

A C T S

33011

OF THE

SEVENTY-FIFTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

SEVENTH SESSION UNDER THE NEW CONSTITUTION.



TRENTON:

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1851.



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

AN ACT relative to the personal estate of Elizabeth Westbrook, late of the township of Frankford, in the county of Sussex, deceased.

WHEREAS Elizabeth Westbrook, late of the township of ^{Preamble.} Frankford, in the county of Sussex, single woman, departed this life in the year eighteen hundred and forty-seven, intestate, and by reason of her illegitimate birth left no person or persons legally entitled, as next of kin or otherwise, to the personal estate of which she died possessed; and it appearing, by satisfactory evidence, that it was her intention to bequeath her said personal estate to James Ayers and Sarah Ann Ayers, of the same township, minor children of David Ayers and Mary Ann his wife (the said Mary Ann being a daughter of the said Elizabeth's mother), but by her sudden sickness and death was prevented from carrying her intention into effect; and whereas, on the twelfth day of April, eighteen hundred and forty-eight, David Phillips, of the same township, was duly appointed, by the surrogate of said county, administrator of the said Elizabeth, and on the eighth of February, eighteen hundred and fifty, his account as such administrator was duly settled before the orphans' court of said county, showing a balance in his hands, to be disposed of according to law, of the sum of three hundred and seven dollars and forty-five cents, and that the said David Phillips has since departed this life,

and that on the thirteenth of March, eighteen hundred and fifty, Nelson Phillips was duly appointed his administrator, by the surrogate of said county, and that no administrator de bonis non of the said Elizabeth Westbrook has yet been appointed, therefore, in order to carry into effect the aforesaid intention of the said Elizabeth—

Personal estate vested in J. Ayers and S. A. Ayers.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the personal estate of the said Elizabeth Westbrook, deceased, be, and the same is hereby vested in the said James Ayers and Sarah Ann Ayers, in the same manner, and as effectually to all intents and purposes, as if they were legally entitled thereto, as next of kin of the said Elizabeth Westbrook; and that they, their lawful representatives and assigns, shall have and be entitled unto the same suits, actions, and remedies, whether at law or in equity, for the recovery thereof, as they would have or be entitled unto in case they were such next of kin as aforesaid.

Approved January 30, 1851.

AN ACT to facilitate the collection of taxes in the township of Middletown, in the county of Monmouth.

Tax warrant to be delivered to collector or.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the tax warrant, or warrants, now provided for by the laws of this state, may, within the limits of the township of Middletown, in the county of Monmouth, in this state, be made out and delivered to the collector of the said township of Middletown for the time being, who shall, for the purpose of the collection of the taxes of the said township of Middletown, perform the same duties, receive the same fees, be liable to the same penalties, and subject to the same liabilities, as are now by law provided against, and required of the constables to whom such tax warrants are now authorized to be delivered by the laws of this state.

Collector to give bond.

2. *And be it enacted*, That before the said collector shall enter upon the performance of the duty prescribed by this act, he shall enter into bond to the inhabitants of said township, by their corporate name, with one or more suffi-

cient sureties, to be approved of by the township committee of said township, and in such sum as said committee shall direct, conditioned for the faithful performance of the duties imposed upon him by this act.

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

Approved January 30, 1851.

AN ACT to incorporate the Warren Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That Robert S. Kennedy, Charles Scranton, Adam Wandling, William P. Clark, George W. Taylor, John O. Stearns, and George Titman, 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 Warren Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever necessary and expedient for the objects of this incorporation.

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

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 of the 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 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.

Vacancies,
how suppli-
ed.

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Instalments,
how paid.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company, by such instalments, not exceeding twenty dollars on each share at one time, and at such times as they may direct; and in case of the nonpayments of said instalments, or any one of them, upon due notice being given, to forfeit the share or shares upon which such default shall arise.

Company au-
thorized to
lay out road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable place on the Delaware river, not more than five miles above the Delaware Water Gap, by the most feasible route, to intersect the road of the Central Railroad Company of New Jersey, at or near New Hampton, situate in the county of Hunterdon, with a branch to Belvidere, in the county of Warren, not exceeding one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary

to take more land for the slope and protection of the side banks of the 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 tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad or lateral and branch roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road or lateral and branch roads shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, 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 always*, that the payment, or tender of the pay-^{Proviso}ment, 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.

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 owner, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company, in the construction of 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

Proceedings in case owners of land and company cannot agree.

or out the 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, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and 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 damages, as shall be paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said 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 said company.

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

Parties aggrieved may appeal.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter to be laid out, shall cross the same, and so to alter and grade the said public or other road that the passage of carriages, horses, and cattle, passing and repassing, shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same.

Company to construct and repair bridges.

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

Rates for carriage and transportation.

Proviso.

as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road which is usually weighed by the ton, nor more than half the said rate per ton for carrying fertilizing materials, or three cents per mile for carrying each passenger on said railway, when carried five miles or more, and when carried less than five miles a sum in the whole not to exceed fifteen cents.

Dividends to be made.

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

Penalty for injuring works.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered, in any court having competent jurisdiction, in an action of debt, and further shall be liable for all damages.

What real estate may be held.

13. *And be it enacted*, That the said company may have and hold real estate, at the termini of their railroad, and at any intermediate 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; and also to erect, build, and maintain, at the Delaware river, such wharves, piers, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Bridge across Delaware river authorized to be constructed.

14. *And be it enacted*, That it shall be lawful for the said company to construct a bridge across the river Delaware, at some point near or within five miles of the Delaware Water Gap; *provided*, that in so doing the navigation of the river Delaware shall not be injured, and that before erecting the same, a concurrent law shall be passed by the legislature of Pennsylvania.

Annual statement to be made.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the presi-

dent 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 road shall amount to seven per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasury of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or other impost shall be levied or assessed upon the said company.

16. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof, by bond and mortgage or otherwise, on the said road, lands, privileges, franchises, and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, 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.

Corporation
authorized
to borrow
money.

Proviso.

17. *And be it enacted*, That any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or any three of 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,

State may
take road
at appraise-
ment.

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 the said road, and of all the receipts and disbursements of the company.

Time of completion of road.

18. *And be it enacted,* That if the said railroad shall not be completed and in use at the expiration of six years from the fourth day of June next ensuing, that then and in that case this act shall be void.

State may subscribe for stock.

19. *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 twenty-five thousand dollars, at any time before or within twelve months after the said road or roads are completed.

Public act.

20. *And be it enacted,* That this act shall be deemed and 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 after the passage thereof.

Certain officers to pass free.

21. *And be it enacted,* That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and attorney general 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.

Approved February 12, 1851.

AN ACT for the relief of Levi Mundy, of the county of Middlesex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is authorized and empowered to pay to Levi Mundy, of the county of Middlesex, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the first day of March next; and the receipt of the said Levi Mundy, or his order, shall be sufficient voucher to the treasurer in the settlement of his accounts. Pension to L. Mundy of \$60 per annum.

Approved February 12, 1851.

AN ACT to incorporate the Willow Grove Cemetery Association at New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nicholas Wyckoff, Lewis Applegate, John Clark, John Doty, Johnson Letson, Tunis V. D. Hoagland, and Benjamin V. Ackerman, and such other persons as are now their associates, or shall hereafter become associated with them, be, and they are hereby made and constituted a corporation and body politic, by the name of "the Willow Grove Cemetery Association at New Brunswick." Names of corporators.

2. *And be it enacted*, That the said association shall have power to take and hold a lot or tract of land in fee, situate within the corporate limits of the city of New Brunswick, in the county of Middlesex, and state of New Jersey, and now assigned and laid out by the parties aforesaid for such cemetery, a plot of which shall be recorded or filed in the clerk's office of the county of Middlesex, with a certified copy of this act, on or before the first day of July next, together with such other lands as the said corporation may hereafter purchase for the purpose aforesaid, not to exceed in the whole ten acres; the plots of such additional lands, and the deed or deeds of conveyance shall be recorded in said office, and the said corporation shall hold such tract or Corporation may sell and convey lots.

tracts of land for the uses herein after mentioned, that is to say :

First. The said corporation and their successors may sell or otherwise dispose of, by good and sufficient deeds of conveyance, any part or parts of sub-lots of said tract or tracts of land in said cemetery for burial lots, and take the proceeds of such sale or other disposition to their only proper use and behoof.

Secondly. That the several parts of sub-lots of such tract or tracts of land shall be conveyed to the several purchasers thereof, when paid for, in fee, by deed, under the corporate seal of said corporation, and signed by the president and secretary thereof, to be occupied only as burial places for the interment of deceased human beings, with the uses and privileges of all the avenues, walks, and other accommodations in said cemetery, subject to such regulations and restrictions as have been or may be established by the said association in relation to the same, by any by-law or ordinance of said corporation.

Thirdly. That the business and concerns of said corporation shall be conducted by a board of managers, consisting of seven persons, who shall be residents of this state; and that the persons named in the first section of this act shall be the first managers of said corporation, and shall have the power to lay out and ornament said grounds, erect fences, and such other accommodations as may in their opinion be necessary, convenient, and desirable, and shall have the power to appoint and employ such officers and agents as they may deem expedient.

Annual election of managers.

3. *And be it enacted,* That there shall be an election of managers held on the second Tuesday of April next, and in each and every year thereafter, previous notice of the time and place of which election shall be given for two weeks in a newspaper published in the city of New Brunswick, and in two such newspapers, if two there be, at which election each share of stock shall entitle the holder thereof to one vote.

Cemetery to be enclosed.

4. *And be it enacted,* That it shall be the duty of the said association to cause said cemetery to be enclosed by a good substantial enclosure (if the same is not already so enclosed), and at all times to keep such enclosure in good order and repair.

Lands to be exempt from tax.

5. *And be it enacted,* That the lands of the association, and the burial lots that may be made out of the same, shall be for ever exempt from taxation, and shall not be liable to be seized or taken by virtue of any process issued out of any court in this state, on account of any claim or claims

which may arise after such lands have been converted into a cemetery.

6. *And be it enacted*, That no public street or road shall hereafter be opened through the cemetery grounds without the consent of the association. Streets not to be opened through grounds.

7. *And be it enacted*, That if any part of the lands conveyed to said corporation for the purpose aforesaid shall be unsuited for the purpose of a cemetery, or if in the title made to such corporation there should be any restriction prohibiting said corporation from using such part for such purposes, then it shall be lawful for said corporation to sell and dispose of such part or parts thereof as are unsuited for, or which they are prohibited from using for said purpose. May sell, &c. in certain cases.

Approved February 12, 1851.

AN ACT incorporating the Nevisink Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Allen, of Middletown township, Edmund T. Williams, of Shrewsbury township, John A. Morford, of Ocean township, Thomas S. Fields, Elijah Stout, and Ezra A. Osborne, of Middletown township, and Edmund M. Throckmorton, of Shrewsbury township, all and every of them in the county of Monmouth and state of New Jersey, 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 Nevisink Hotel Company;" and by that name they shall have power to lease or to purchase and hold real estate on or about the Highlands of Nevisink, in the township of Middletown, county of Monmouth, in this state, and to erect thereon an hotel or a summer house for public resort, and to make such improvements thereon, and to transact all such business as may necessarily appertain to the erecting, constructing, furnishing, leasing, or otherwise disposing of said building and improvements. Names of corporators.

Amount of capital stock. 2. *And be it enacted*, That the said corporation shall have power to raise, by subscription, a capital stock of one hundred thousand dollars, with liberty to increase the same hereafter, as aforesaid, when a majority of the directors of said corporation shall so determine, to any sum not exceeding one hundred and fifty thousand dollars.

Stock transferable.

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

Corporation, when to go into operation.

4. *And be it enacted*, That the said corporation shall not go into operation until the commissioners herein after named, or some of them, shall receive in money for said capital stock a sum amounting in the aggregate to at least twenty thousand dollars thereof, and an amount of subscriptions for at least forty thousand dollars of said capital stock, and an affidavit thereof be made by any two of said commissioners, and said affidavit be filed in the clerk's office of said county of Monmouth, and said money and subscriptions be transferred, as herein after directed, to said corporation.

Commissioners to open books of subscription.

5. *And be it enacted*, That Robert Allen, of Middletown township, Edmund T. Williams, of Shrewsbury township, John A. Morford, of Ocean township, Thomas S. Fields, Elijah Stout, and Ezra A. Osborne, of Middletown township, and Edmund M. Throckmorton, of Shrewsbury township, in said county of Monmouth, be, and they are hereby appointed commissioners; and the said commissioners, or a majority of them, may forthwith after the passage of this act open books and take subscriptions and receive moneys for said capital stock of said corporation, in such manner as they may deem most expedient; and whenever said moneys shall amount to at least twenty thousand dollars, as aforesaid, and said subscriptions shall amount to at least forty thousand dollars, as aforesaid, the said commissioners, or a majority of them, shall convene the stockholders of said corporation, by giving two weeks' notice in writing, or in a newspaper published in said county of Monmouth, in which said notice shall be specified the time, place, and object of the meeting; and the said stockholders, or a majority of them, shall meet pursuant to said notice, and proceed to elect such directors and other officers, and make

such by-laws, as they may then deem necessary for conducting the affairs of said corporation; *provided*, said by-laws be not inconsistent with the laws of the United States or of this state; and the said commissioners shall thereupon transfer all moneys and subscriptions, so taken and received by them as aforesaid, to such officer or officers of said corporation as the by-laws of said corporation shall then direct; and the said commissioners shall thereupon be discharged, and their further action in the premises cease; the remainder of said capital stock may be raised by subscription, and shall be disposed of as the by-laws of said corporation shall direct, and no part of said capital stock shall be at any time, or under any pretence, withdrawn or refunded to the stockholders, until all the debts and liabilities of said corporation are fully paid; the directors and other officers of said corporation shall hold their offices until others are elected and duly qualified in their stead.

6. *And be it enacted*, That the whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually subscribed for, and in case of any excess, the directors under whose administration it shall happen, shall be jointly and severally liable to the extent of such excess; the directors of said corporation shall be elected from among its stockholders, and shall not be less than five in number.

7. *And be it enacted*, That the office of the secretary, together with the records and papers of said corporation, shall be kept in said county of Monmouth, and that annually, in the month of October, the directors of said corporation shall submit to the stockholders of said corporation a written statement, accompanied by the affidavit of the directors, of the capital stock paid in, the amount of all debts existing against said corporation, as well as the receipts and credits of said corporation; and no dividend shall be declared or paid to the stockholders, except from the surplus profits arising from the business of said corporation.

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

Approved February 12, 1851.

AN ACT to incorporate the Green Grove Cemetery Company of Keyport.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Spraul, Wilson Brown, William Hoff, junior, William Bedle, George W. Bell, Alfred Walling, Joel Stout, and Thomas V. Arrowsmith, and their associates, be, and they are hereby made a body politic and corporate in law, under the name and title of "the Green Grove Cemetery Company of Keyport.

Corporation
may sell and
convey lots.

2. *And be it enacted*, That the said corporation shall be composed only of persons who are and shall be owners of lots in the said cemetery; and that the said corporation shall have power to take and hold in fee the tract or lot of land situated at Keyport, in the county of Monmouth, now designated and laid out by the parties aforesaid, for such cemetery, containing about six acres, (a plot of which shall be filed with the clerk of the county of Monmouth, on or before the first day of July next, and recorded by him,) together with any and such other tract or tracts of land the said corporation may hereafter add thereto for the purpose aforesaid, not to exceed in the whole fifteen acres; the plot of such additional lands, and the deeds of conveyance therefor, when made, shall be also filed and recorded in said office; and the said corporation shall hold such tract or tracts of land for the uses herein after mentioned, to wit: first, the said John Spraul, Wilson Brown, William Hoff, junior, William Bedle, George W. Bell, Alfred Walling, Joel Stout, and Thomas V. Arrowsmith, their successors or assigns, may sell or otherwise dispose of the sub-lots in the said cemetery, and take the proceeds of the sale thereof to their only proper use and behoof, and may erect on the said tract or tracts of land such buildings and accommodations as they may deem suitable for the establishment; second, the sub-lots shall be conveyed to the respective purchasers thereof, when paid for in full, in fee, by deed under the corporate seal of the said corporation, and signed by the secretary thereof, to be occupied only as burial places for deceased human beings, with the uses and privileges of the several avenues, walks, and buildings in said cemetery, subject to such regulations and by-laws as may be established by the said association in relation to the same; third, the care and management of the said cemetery shall be confined to and under the superintendence of three trustees (who shall be owners of lots in said cemetery), to be chosen as provided for in the following section, which trustees and

May erect
buildings.

their successors shall have the exclusive superintendence thereof, with power to appoint and employ such officers, agents, and sextons as they may deem expedient, to fix their compensation, to cause the grounds, graves, walks, and improvements to be kept in good order, and generally to do all such other things for the interests of the said corporation and lot holders as may be proper in the premises.

3. *And be it enacted*, That there shall be an election held on the second Tuesday of January, eighteen hundred and fifty-two, for the election of three trustees, who shall be citizens of this state, who shall hold office for one year and until others are elected; previous notice of the time, place, and purpose of such election shall be given for two weeks, in a newspaper published in said county; and all subsequent elections shall be held on the same day, and may be called by any three lot holders, giving notice as above, at which election each lot owner shall be entitled to one vote for each lot he owns. Annual election of trustees.

4. *And be it enacted*, That John Spraul, Alfred Walling, and Wilson Brown shall be trustees, for the purposes aforesaid until the said election of trustees, any vacancy that may happen therein to be filled by the parties first aforesaid. First trustees.

5. *And be it enacted*, That upon the conveyance of each and every of the burial lots in the said cemetery, the said parties, their heirs or assigns, shall pay over to the trustees of said association ten per centum of the proceeds thereof, until the whole sum so paid (including the interest that may accrue thereon) shall amount to the sum of eight hundred dollars, which sum shall be loaned out on such security as the trustees may deem sufficient, to be and remain as a permanent fund and loan, the interest alone to be used for the purpose of improving and keeping in repair the fences, avenues, walks, and other fixtures of the said cemetery, and for the purposes mentioned in section second relative to the duties of said trustees; and also ten per centum of the proceeds of the sale of all the lands that may be hereafter added to the said cemetery shall be paid over and applied as aforesaid. Funds for necessary expenses.

6. *And be it enacted*, That the lands of the said corporation, above mentioned, shall be used for the interment of deceased human bodies, and for no other purpose whatever; and the burial lots, vaults, and erections and fixtures in the said cemetery shall not be subject to any assessments, taxes, or fines, or liable to be seized upon, distrained, or sold, or otherwise subject to any process of law what- Objects of incorporation.

ever, except for encumbrances existing at or previous to the passage of this act; nor shall any public street or road be hereafter opened or laid out through the lands of said corporation.

Penalty for
injuring prop-
erty.

7. *And be it enacted*, That if any person or persons whatever shall wilfully commit any injury to the monuments, grave stones, fences, trees, or shrubbery in said cemetery, or commit any other trespass thereon, every person or persons so offending shall forfeit and pay, for each offence, the sum of ten dollars, and pay all damage, to be recovered by an action of debt, in the name of the said trustees as aforesaid; and all fines recovered shall be expended by them for the improvement of the said cemetery.

Cemetery to
be enclosed.

8. *And be it enacted*, That the said parties first aforesaid, their heirs or assigns, shall cause the said cemetery to be enclosed with a good and substantial fence, and lay out the avenues and walks thereof, as are represented on the map or plan of the same.

When act to
take effect.

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

Approved February 12, 1851.

AN ACT to authorize Peter P. Conover, Thomas V. Arrowsmith, John W. Hoff, Thomas Carhart, John S. Stilwell, Obadiah J. Stilwell, and William H. Hendrickson to build, maintain, and keep in repair a dock or wharf in front of their lands, in the township of Raritan, in the county of Monmouth.

Preamble.

WHEREAS Peter P. Conover, Thomas V. Arrowsmith, John W. Hoff, Thomas Carhart, John S. Stilwell, Obadiah J. Stilwell, and William H. Hendrickson, of the township of Raritan, county of Monmouth, and state of New Jersey, have in their petition represented that they are the owners of certain lands situate in the village of Keyport, in said township, adjoining the waters of Raritan bay,

and have prayed that a law may be passed authorizing them to build, maintain, and keep in repair a dock or wharf extending a sufficient distance into said bay, for the accommodation of vessels navigating the same—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Peter P. Conover, Thomas V. Arrowsmith, John W. Hoff, Thomas Carhart, John S. Stilwell, Obadiah J. Stilwell, and William H. Hendrickson, their heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of their own lands, at Keyport, in said township, a sufficient distance into said bay for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and take and receive such dockage or wharfage therefor, from all persons using the same, as is customary and reasonable; *provided*, this act shall not affect the legal rights of any other person; *and provided further*, that nothing in this act shall be construed to confer any right of ferry upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said bay, as to injure or impede the navigation of the same.

P. P. Conover and others authorized to build docks.

Approved February 12, 1851.

AN ACT for the enclosure of a certain tract of land lying in common in the township of Harrington, in the county of Bergen.

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 owners and possessors of all that tract or lot of land now lying in common in the township of Harrington, in the county of Bergen, generally called, known, and distinguished by the name or appellation of the Cripple Bush, and lying adjoining the enclosed lands of the heirs of James A. Haring, deceased, Abraham D. Blauvelt, Peter D. Haring, John Anderson, Tunis Haring, Frederick J. Haring, and Justice Demarest, and at the extreme south end is bounded by the public road leading from Closter to Old

Boundaries of land authorized to be enclosed.

Tappan, near the dwelling house late of James A. Haring, deceased, to enclose the same with a good and lawful fence along said road, the fences of the adjoining closes along said tract to be maintained and kept by their respective owners as is required by law, and to erect such gates, bars, and other devices as they shall deem proper; and that from and after the enclosing the same, as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, sheep, or hogs, with intent to let them run at large in said tract; *provided*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning his horses, cattle, or sheep on such part of the said tract as may belong to him or her, and as may be kept enclosed by a sufficient and lawful fence separate from the remainder of the said tract.

Proviso.

Penalty for driving in cattle, injuring gates &c.

2. *And be it enacted*, That if any person whatsoever shall drive or let in any horses, cattle, sheep or swine into the said tract, after the same shall be enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the gates or bars thereon, they shall be liable to a penalty of ten dollars; and if any person or persons shall either negligently or wilfully leave open any bars or gates thereon, they shall be liable to a penalty of two dollars for each offence; any of which penalties may be sued for and recovered by the trustees herein after mentioned, or either of them, in an action of debt, in any court of competent jurisdiction in this state; and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the gates, fences, and paying other incidental charges accruing in consequence of said enclosure.

Cattle trespassing.

3. *And be it enacted*, That if any horses, cattle, sheep, or hogs be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of Harrington, immediately after so finding them as aforesaid, leaving with the keeper of such pound an affidavit that such horses, cattle, sheep, or hogs were found running at large in said tract; and it shall be the duty of such poundkeeper to receive the horses, cattle, sheep, or hogs, so delivered to him, until the owner thereof shall pay to him the costs and fees of impounding the same, together with damages, if any have incurred and claimed; and such poundkeeper shall collect and receive the same in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by an act entitled, "An

act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine.

4. *And be it enacted*, That a meeting of the owners of the said tract shall be held on the first Tuesday in April next, at the house of Daniel D. Blauvelt, in the township of Harrington, at the hour of one o'clock in the afternoon, and on the first Tuesday in April in each year thereafter, at such place as a majority of such owners in attendance shall direct, and shall proceed to choose, from among themselves, three persons to be trustees of said lands, who shall hold their office for one year or until others shall be appointed in their places. Annual election of trustees.

5. *And be it enacted*, That the trustees, elected as aforesaid, shall designate the line of the fence, and cause the same to be erected for the enclosure of said tract, and shall apportion the expenses of such erection among the different landholders in said tract, in proportion to the number of acres by each held in the same; and if any owner or possessor shall refuse or neglect, for the space of ten days after he or she shall be notified of the amount of such proportion assessed against them, to pay the same to either of the trustees, the said trustees may sue for and recover the same from the persons so neglecting, in the same manner as directed for the recovery of the penalties in the second section of this act. Powers and duties of trustees.

6. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to the quantity owned by each in said tract, to be assessed and collected in the same manner as the expenses mentioned in the next preceding section of this act. Compensation of trustees.

Approved February 12, 1851.

AN ACT to authorize David Warner to build a dock at Keyport.

WHEREAS David Warner, of the township of Raritan, in Preamble.
the county of Monmouth, and state of New Jersey, hath
represented that he is the owner of certain lands, situate

in the village of Keyport, in said county of Monmouth, adjoining the waters of Raritan bay, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said bay, for the accommodation of vessels navigating the same—therefore,

D. Warner
authorized
to build dock

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said David Warner, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon, and in front of his lands in said village of Keyport, extending a sufficient distance into said bay, for the accommodation of vessels navigating the same, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any person whatever.

Proviso.

Penalty for
injuring
works.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damages which the owner or owners may sustain, recoverable by an action of trespass, in any court having jurisdiction of the same.

Approved February 19, 1851.

AN ACT to authorize the inhabitants of the city of Perth Amboy to raise money by tax, for the purpose of building or purchasing a school house.

Inhabitants
authorized
to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxable inhabitants of the city of Perth Amboy be, and they are hereby authorized to raise by tax, at their next annual town meeting, a fund not exceeding one thousand dollars, to be applied to the purpose of building or purchasing a school house for public schools in the northerly part of said city, which amount shall be assessed, levied, and collected at the same time and in the same manner as other township taxes are assessed, levied, and collected.

2. *And be it enacted,* That the vote for raising the sum of money hereby authorized shall be taken by ballot, at the same time when officers of the said city are elected, and every person voting shall or may designate his vote by inserting on the ticket for officers of the said city the words "school house" or "no school house," as he may deem fit; and if there shall be a majority of the ballots bearing the words "school house," it shall be the only and conclusive evidence of the intention of said inhabitants to raise the money hereby authorized.

Mode of voting.

3. *And be it enacted,* That all moneys raised by virtue of this act shall be paid over to the treasurer of the said city of Perth Amboy, in trust for the purposes herein mentioned, and shall be expended, under the direction of the city council, in the building or purchasing of a school house for the public schools in the northerly part of said city.

Money to be paid over to treasurer.

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

When act to take effect.

Approved February 19, 1851.

AN ACT to incorporate the Keyport Dock Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John C. Schenck, De LaFayette Schenck, William S. Horner, Benjamin Griggs, Asbury Fountain, Gideon S. Crawford, and John Crawford, and their successors, are hereby constituted a body corporate, by the name and description of "the Keyport Dock Company," for the purpose of continuing, keeping, and maintaining the dock or wharf now owned by the said company, and situate in the village of Keyport, township of Raritan, Monmouth county, and extending from said village into Raritan bay, and from time to time to repair or rebuild the same, and to extend or enlarge the same when necessary for the better accommodation of boats or vessels; *provided,* that such extension or enlargement shall not interfere with the navigation of said bay, river, or creek.

Names of corporators.

2. *And be it enacted,* That the management of the affairs of the corporation shall be intrusted to three directors,

Time and mode of annual election of directors.

which said directors shall hold their offices for one year from the first Monday of January in each year and until others are elected in their stead; an annual election shall be held on the first Monday of January, in each year, at such place in the county of Monmouth, and at such house as the said directors may from time to time to appoint, which election shall be by ballot, either in person or by proxy.

First directors.

3. *And be it enacted*, That Benjamin Griggs, De La Fayette Schenck, and John C. Schenck shall be the first directors, and shall hold their offices until the first Monday of January, one thousand eight hundred and fifty-two, and until others shall be elected in their stead.

Powers and duties of directors.

4. *And be it enacted*, That the directors of said corporation shall have power to appoint all the officers and agents which may be necessary for conducting their aforesaid business, and to renew the same at pleasure; to fix their compensation, to establish rules, regulations, and by-laws, not inconsistent with the constitution of this state or of the United States, for the government of the officers and agents of said corporation, and generally to control and superintend the business of said corporation.

Company to keep dock in repair.

5. *And be it enacted*, That if the said corporation shall neglect or refuse to keep their said dock in repair, and suffer the same to become unfit for use for the space of one year, their corporate powers shall cease, and this act become null and void.

Rates of dockage.

6. *And be it enacted*, That the said corporation shall be entitled to demand and receive the following rates of dockage, to wit: for each vessel under twenty tons, thirty cents each day; for each vessel over twenty tons and under fifty tons, fifty cents per day; for each vessel over fifty, and under seventy-five tons, sixty-two and a half cents per day; for each vessel over seventy-five, and under one hundred tons, seventy-five cents per day; and for all vessels over one hundred tons, twelve and a half cents for each additional twenty-five tons over one hundred tons; and each vessel which shall be fastened to any other vessel that shall be fastened to the dock shall pay the one half of the rates of dockage above mentioned; and all vessels making fast to said dock for the purpose of laying up, shall pay half dockage.

Mode of payment.

7. *And be it enacted*, That it shall be lawful for the captain, owner, or person having any vessel in charge, who may desire to run to and from said dock, to pay the said corporation by the day or year, as such captain, owner, or person shall see proper; *provided*, that said corporation

shall not charge more than sixty cents per ton for any vessel by the year.

8. *And be it enacted*, That all persons unloading their cargoes on said dock, or laying the same thereon for the purpose of being loaded, shall pay, for every day the same may lay thereon, the same rates of dockage as herein before provided. Payment to be made for unloading on dock.

9. *And be it enacted*, That no person or persons shall unload, land, or discharge, or cause or permit to be unloaded, landed, or discharged from any vessel, or cause or permit to be deposited upon the said dock any brick, stone, iron, lead, timber, or any other substance exceeding in weight ten tons at any one time, without permission of the dock master, under the penalty of ten dollars for every offence. Articles over certain w't not to be landed without permission.

10. *And be it enacted*, That the dock master, to be appointed as aforesaid, shall have full power and authority to sue for and recover all dockage due the said corporation, and also all fines and penalties, in an action of debt, in any court having jurisdiction thereof; which fines, when recovered, shall be paid to the collector of the township in which the said dock is situate, for the use of said township. Dockmaster may sue for dockage, &c.

11. *And be it enacted*, That all vessels, not belonging to the state of New Jersey, which shall lay at said dock over twenty-four hours shall pay the same rate of dockage as is herein before mentioned, and be liable to the same penalties and fines; and on demand therefor being made by the said dock master, if the master, owner, or person having charge of such vessel shall refuse to pay the dockage or fines due by said vessel, the said dock master shall make oath before a justice of the peace of such demand and refusal, whereupon the said dock master may distrain any of the goods and chattels found on board of said vessel, and sell and dispose of the same, in the same manner as is provided in the act entitled, "An act concerning distresses," approved April sixteenth, eighteen hundred and forty-six. Vessels not belonging to state to pay dockage.

Approved February 19, 1851.

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

Company authorized to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*; That it shall be lawful for the Morris and Essex Railroad Company; and the said company is hereby authorized and empowered to extend their railroad, from some point at or near Dover, in the county of Morris, to any point on the Delaware river at or near the town of Belvidere or the Water Gap, or between those places; and in case said railroad shall not terminate at the town of Belvidere, then to lay out and construct a branch railroad from the main line to said town of Belvidere, with power to construct a bridge or bridges across said river, by and with the consent of the state of Pennsylvania, so as not to cause any obstruction or impediment to the free navigation of said river; and it shall be lawful for said company to lay out and locate the said railroad hereby authorized six rods in width, and also to increase their present road, or any part thereof, from time to time, to the same width, and to take and appropriate all lands necessary for such purposes, upon making payment therefor and damages to the owners thereof, as prescribed in the original charter of said company, and as herein after mentioned and directed; and, for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land, in the manner provided herein after, as may be necessary for the proper construction and security of the road.

Company invested with privileges of original act.

2. *And be it enacted*, That, for the purpose of carrying into effect the objects of this act, the said company shall be, and they are hereby invested with all the rights, powers, authority, and privileges given and granted by their original act of incorporation, and the several supplements thereto; and they are hereby also subjected to all the duties, restrictions, and liabilities contained in said acts.

Mode of acquiring lands for extension of road.

3. *And be it enacted*, That in case said company shall determine to widen their present road, or any part thereof, as herein before authorized, they shall proceed, in acquiring the lands necessary for that purpose, in the same manner as is directed by said original act and this supplement in respect to acquiring the lands for the line of said company's present road and the roads hereby authorized, except that it shall not be necessary to deposit any survey thereof in the office of the secretary of state; but it shall be the duty of said company to cause particular surveys

and descriptions of any lands proposed by them to be taken for that purpose to be made, and deposited in the clerk's office of the county in which such lands lie, before they proceed to acquire the title thereto, true copies of which surveys and descriptions shall be exhibited to the judge or justice to whom any application or applications, shall be made for the appointment of commissioners to assess the value of said lands, at the time or times of making such application or applications.

4. *And be it enacted*, That it shall be lawful for said company, at their option, instead of making application for the appointment of commissioners to a judge of the courts of common pleas, as in said original act is directed, to make such application to any one of the justices of the supreme court of this state; and in that case the subsequent proceedings, directed by said act to be had and done before and by a judge of a court of common pleas, shall be had and done before and by such justice of the supreme court; and the appeal from the award of commissioners, authorized by said original act, shall be made to and determined in the circuit court of the county in which the lands lie, in the same manner as by said act is directed, that said proceedings may be had before judges of the court of common pleas, and the courts of common pleas of the proper counties, and for these purposes full power and authority is vested in the justices of the supreme court and in said circuit courts; and the awards of commissioners shall be recorded, by the clerks of the respective counties to whom the same shall be returned in pursuance of said original act, in the books of records of deeds of said county.

Commissioners may be appointed by justices of sup. court.

5. *And be it enacted*, That in case it shall at any time appear that, by reason of any mistake or error in the proceedings for acquiring the title of lands for said original road or the roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew, in the manner by said original act authorized and directed, to acquire the right and title to any such lands.

Proceedings in case of defective title.

6. *And be it enacted*, That in case said company shall at any time, under the authority of the fifth section of the act entitled, "An act authorizing and empowering the directors of the Morris and Essex Railroad Company to borrow money and for other purposes," make any deviation or deviations in the line of their roads, as originally surveyed and laid out, it shall be lawful for said company to proceed in acquiring the title or right to appropriate the

Deviation in route.

lands necessary for such deviation or deviations, in the manner directed by their original charter.

Company
may take
stone, &c. on
payment of
assessment.

7. *And be it enacted*, That the said company may take and use any stone, gravel, sand, or clay, on or near the route of their roads, which may be necessary for the construction, repairing, or altering of their said roads, or of any of the works or appendages of the same; *provided*, that before any such materials be taken or used, the value of the same be assessed in the manner in said original act provided for the assessment of the value of lands, and such value duly paid and satisfied to the owner or owners of such materials.

Capital stock
may be in-
creased.

8. *And be it enacted*, That, for the purpose of enabling said company to construct and complete the railroads authorized by this act, it shall be lawful for them to increase their capital stock to the sum of two millions of dollars; the amount of increase shall be subscribed for in such manner, and at such time or times and places, as the board of directors of said company may deem expedient and proper; and separate subscriptions may be opened, and separate stock may be created, and accounts be opened and kept for the said extension, or the whole be blended in one general fund, as the company, by their officers, shall direct.

Company
authorized
to borrow
money.

9. *And be it enacted*, That it shall be lawful for said company, from time to time, to borrow such sum or sums of money as may be necessary to construct and complete the railroad or roads, with the appendages thereto, authorized by this act and the act to which this is a supplement, and the several supplements thereto; and for securing the repayment of moneys so borrowed, at such rates of interest as may be stipulated, not exceeding seven per centum per annum, full power and authority is hereby granted to the said company to pledge or hypothecate, by bond, or writing without seal, mortgage, trust, or otherwise, the whole or any part of the railroad and railroads by them heretofore constructed, or hereafter to be constructed, under the authority of this act, together with all the privileges, appendages, and appurtenances to said railroads belonging, and all the property, franchises, and chartered rights of said company; and such pledge, hypothecation, bond, mortgage, and trust shall be valid in law for securing the due payment of any sum or sums of money so borrowed, with the interest thereon accruing, which the same may be given to secure; and in case default shall be made in the payment of any moneys so borrowed and secured, the person or persons, body politic or corporate, their legal representa-

tives, successors, or assigns, claiming under such pledge, hypothecation, bond, mortgage, or trust, may, by due process of law, acquire the title to, and have, hold, use, occupy, and enjoy the said roads, with the privileges, appendages, and appurtenances to the same belonging, and all the property of said company, and the franchises and chartered rights aforesaid, and take and receive the tolls, rents, issues, profits, and advantages thereof, during the whole residue of the term for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might have had, used, and enjoyed the same, subject, nevertheless, to all the restrictions, limitations, and conditions contained in the act incorporating said company; and any deed, by which any pledge, hypothecation, mortgage, or trust shall be created by virtue of this act shall be entered on record in the offices of the clerks of the several counties through which the line of said road shall pass, the same having been first acknowledged or proved according to law.

10. *And be it enacted*, That the present railroads of said company, and the road or roads authorized by this act, shall be taken and deemed public highways, for the use of steam engines and cars propelled by steam engines only. Roads to be public highways.

11. *And be it enacted*, That at any time after the route of the roads hereby authorized shall have been determined, and a survey thereof filed in the office of the secretary of state, it shall be lawful for the board of directors of said company to make and file in the office of the secretary of state a certificate, under their common seal, thereby assuming the name of "the Northern Railroad of New Jersey;" and from and after the filing of said certificate, the said company shall be known in law by the said name of the Northern Railroad of New Jersey, and the said company, by that name, shall be subject to and liable for all the debts, contracts, and liabilities of the said the Morris and Essex Railroad Company; and the board of directors, from and after the next annual election after the filing of the said certificate, shall consist of eleven directors, instead of nine, as now directed by their charter. Corporate name changed.

12. *And be it enacted*, That it shall be lawful for said corporation to purchase, hold, and possess, at each termination of their road, and at any intermediate point, any quantity of land, not exceeding five acres, for the purposes of this act only. What real estate may be held.

13. *And be it enacted*, That it shall be lawful for said company, by its directors, to enter into contract with any Company may contract for conveyance of passengers.

other corporation, or with any individual or individuals, for conveying passengers, goods, produce, merchandise, and other freight between any point or points on the line of their road and the city of New York.

Certain officers to pass free.

14. *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, 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 over the railroad and railroads of said company, in their cars, free of charge.

Public act.

15. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognised as such in all courts and places whatsoever, and shall be in full force and effect from and after the passage thereof.

Approved February 19, 1851.

AN ACT supplementary to "An act to incorporate the town of Lambertville, in the township of West Amwell, in the county of Hunterdon," approved March first, eighteen hundred and forty-nine.

Manner of conducting elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the next annual election of town officers, and all subsequent elections, shall be held by the judge of elections and inspectors of elections of said town, a majority of whom shall determine all questions respecting the right of voting at such election; and the name of each person voting shall be recorded by the town clerk in a poll list kept for that purpose; each voter shall give a single ballot, designating the names of the persons for whom he votes for each office respectively; the polls shall be kept open at least four hours, and not more than eight hours; and when the polls are closed the votes shall be counted, and the number received by each person for each office certified by the judge and inspectors, or a majority of them, and the clerk; and the several persons having a plurality

of votes for each office, respectively, to the number to be elected for each, shall be declared to be elected; and in case any of the officers, whose duty is to hold or assist at such election, shall be absent, or a vacancy occur from any cause, the place of such officer or officers may be supplied in the same manner as vacancies in such offices are supplied at elections for state and county officers; *provided*, that the said judge and inspectors, or any person or persons acting as such, shall severally, before they proceed to receive any votes, take an oath or affirmation faithfully and impartially to execute the duties and services required of him by law in said election, and not to receive, or assent to receive, the vote of any person who is not duly qualified to vote agreeably to the restrictions and provisions prescribed by law; and the clerk, or person acting as such, shall in like manner take an oath or affirmation faithfully and impartially to serve as clerk at such election, and execute the duties and services required of him by law; which oaths or affirmations the said judge, inspectors, and clerk are hereby authorized and required to administer to each other in a public manner.

2. *And be it enacted*, That it shall and may be lawful for the common council, in common council convened, or the mayor, to appoint special constables, and to prescribe their duties, powers, and compensation; and to pass laws and ordinances enacting that the penalties for the violation of any of the laws and ordinances of said town may be enforced by information and summary conviction before the mayor or justices of the peace of said town, or upon the view of said mayor or justices; and that the said mayor or justices, upon information given upon oath or affirmation, may issue warrant or warrants for the apprehension of any offender or offenders, upon the return of which, the same proceedings may be had as upon information and summons.

Powers of
mayor and
common
council.

3. *And be it enacted*, That the mayor of the said town for the time being shall have all the powers, functions, and authority of a justice of the peace of the state of New Jersey within the limits of the said corporation.

Mayor to
have powers,
&c. of justice
of the
peace.

4. *And be it enacted*, That the common council of said town, or a majority of them, in common council convened, shall have the sole, only, and exclusive right and power of licensing or assessing every inn keeper and tavern keeper within said town, subject to the same provisions, and in like manner as the same is or may be lawfully done by the courts of common pleas in this state; and shall have the sole and exclusive right and power of licensing menageries or collections of beasts and other exhibitions, which by law

Common
council to
have power
to license ta-
verns, &c.

require a license, in the same manner as is now done by justices of the peace; and the said common council may pass ordinances prohibiting, regulating, and licensing the exhibition of any interludes, farces, or plays of any kind, or any games, tricks, juggling, sleight of hand, or feats of uncommon dexterity or feats of body, any concert or lectures, and all such like shows or exhibitions; likewise all oyster cellars, beer shops, ten-pin alleys, and ball alleys; the price and assessment for any licenses granted by virtue of this section shall be paid to the clerk of the town, who shall pay the same to the treasurer, for the use of the town.

Part of former act repealed.

5. *And be it enacted*, That all such parts of the act to which this is a supplement, which conflicts herewith, be, and the same are hereby repealed.

When act to take effect.

6. *And be it enacted*, That this act shall take effect immediately on the passage and approval thereof.

Approved February 19, 1851.

AN ACT in respect to insurance for lives for the benefit of married women.

Married woman may insure life of husband.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured, for her sole use, the life of her husband for any definite period or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or his creditors; but such exemption shall not apply where the amount of premium annually paid shall exceed one hundred dollars.

Insurance payable to children on death of wife

2. *And be it enacted*, That in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable, after the death, to her children, for their use, and to their guardian, if under age.

Approved February 19, 1851.

AN ACT to enable the trustees of the Fort Lee free school to pay a certain debt.

BE IT ENACTED *by the Senate and General Assembly* ^{Trustees authorized to pay debt.} *of the State of New Jersey*, That the trustees of the Fort Lee free school are hereby authorized and empowered, at their discretion, to repay to Henry Burdett, Peter Taylor, William Conway, and Abraham Carlock, the former trustees of the Fort Lee school district, the sum of three hundred and sixty-nine dollars, paid by them to Charles S. Watkins, in discharge of the amount due on a bond and mortgage, given by them to said Charles S. Watkins to secure the consideration money for the school house and lot, in which, by an inadvertence in drawing the same, they were made personally responsible; and that said trustees may pay the same, with interest thereon from the eleventh day of November, eighteen hundred and fifty, until paid out of any school moneys in their hands belonging to said free school; *provided always*, ^{Proviso.} that no part of such moneys shall be paid until the school house and lot mortgaged to said Charles S. Watkins, and sold under said mortgage, shall be conveyed to said trustees for the sum of one hundred dollars, with interest thereon since said foreclosure sale; and said trustees may mortgage said school house and lot to secure said sums of three hundred and sixty-nine dollars and one hundred dollars, or either of them, when said school house and lot shall have been conveyed to them as aforesaid.

Approved February 19, 1851.

AN ACT to authorize William Birdsall to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Union, in the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly* ^{W. Birdsall authorized to build dock} *of the State of New Jersey*, That it shall and may be lawful for William Birdsall, of the township of Union, in the county of Ocean, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of

his own lands in said township, extending a sufficient distance into said bay, for the accommodation of vessels navigating the same, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor from all persons using the same; *provided*, that this act shall not affect the legal rights of any person whatever.

Penalty for
injuring
works.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damages which the owners may sustain, recoverable in any court having jurisdiction of the same.

Approved February 19, 1851.

AN ACT relative to bridges in the county of Hunterdon.

Penalty for
driving at a
faster gait
than a walk.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss, lattice, or draw bridge, or any bridge the arch of which is constructed of wood, at a faster gait than a walk, such bridge or bridges being in the county of Hunterdon; and every person or persons so offending shall forfeit and pay the sum of five dollars for each and every offence so committed, to be sued for and recovered by action of debt, with cost of suit, in any court of competent jurisdiction, by any member of the board of chosen freeholders of the county in which such bridge or bridges may be, in the corporate name of said board, for the use of said county; *provided always*, that this act shall not apply to any physician, or person going for any physician, or any person riding express by order of any public officer of this state or of the United States, or to any person pursuing a fugitive from justice; *and provided further*, that the board of chosen freeholders of said county shall cause to be fixed up at each end of such bridge or bridges in said county, in some conspicuous place, in plain letters, "Five dollars fine for travelling over this bridge at

a faster gait than a walk," and on neglect of such notice the fine aforesaid shall not be incurred.

2. *And be it enacted*, That if any person or persons shall wilfully deface such letters, or any of them, he, she, or they so offending shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county. Penalty for defacing letters.

Approved February 21, 1851.

AN ACT to incorporate the Belvidere and Water Gap Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William P. Robeson, John Marshall Paul, John M. Sherrerd, Charles J. Ihrie, Theodore S. Paul, Phineas B. Kennedy, Peter Kleinhaus, John Young, Isaac Young, 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 Belvidere and Water Gap Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever necessary or expedient for the objects of this incorporation. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of said company shall be three hundred thousand dollars, with liberty to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferred 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, within this state, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers printed at Belvidere; and that the said books shall be kept open three days, and as much longer Commissioners to open books of subscription.

as the said persons, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, and, as soon as the same shall be subscribed, to give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be 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 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.

Vacancies,
how supplied.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Shares for-
feited for
nonpayment
of instal-
ments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct; and in case of the nonpayments of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise.

Company au-
thorized to
lay out 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, not exceeding one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of said banks of the said railroad, in which case so much land as may be necessary for the purpose, and no more, from some suitable place, not more than five miles above the Delaware Water Gap, by the most feasible route to Belvidere, in the county of Warren, and there to intersect with any railroad or railroads hereafter constructed to or from that place, or between Belvidere and the Water Gap, with full power and authority to build a bridge or bridges across the river Delaware, at any point above Belvidere, and connect with any railroad or railroads constructed, or to be constructed, in the state of Pennsylvania; *provided always*, Proviso. that in so doing the navigation of the river Delaware shall not be injured, and that before erecting such bridge or bridges a concurrent law for such erection shall be passed by the legislature of Pennsylvania; said railroad may be constructed with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad, and of locating the same, and to 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, 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, 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 said road, 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 lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of 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 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, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have,

hold, use, occupy, possess, and enjoy the said 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, until paid, 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 said company.

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

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

Company to
construct
and repair
bridges.

company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the same, and so to alter and grade the said public road so that the passage of carriages, horses, and cattle, passing and repassing, shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same; and also to build, maintain, and keep in repair legal and sufficient fences along the sides of the said railroad, when the same shall pass through or over any improved lands, or lands which may be improved, adjoining the same, when required so to do by the owner or owners of any such land.

Rates for
carriage and
transporta-
tion.

Proviso.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property on their railroad, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road which is usually weighed by the ton, or three cents per mile for carrying each passenger on said railway, when carried five miles or more, and when carried less than five miles a sum in the whole not to exceed fifteen cents.

Dividends to
be made.

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

Penalty for
injuring
works.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further shall be liable for all damages.

What real
estate may
be held.

13. *And be it enacted*, That the said company may have and hold real estate, at the termini of their railroad, and at any intermediate 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; and also to erect, build, and maintain, at the Delaware river, such wharves, piers, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, which said lands shall be obtained in the manner provided in the seventh section of this act.

14. *And be it enacted*, That as soon as the railroad, 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 road shall amount to six per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasury of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Statement of
cost, to be
filed.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof, by bond and mortgage or otherwise, on the said road, lands, privileges, franchises, and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

Corporation
authorized
to borrow
money.

16. *And be it enacted*, That any time after the expiration of thirty-five 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,

State may
take road
at appraisement.

they shall choose a seventh, who, with the aforesaid six, or any three of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after 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 the said road, and of all the receipts and disbursements of the company.

Time of completion of road.

17. *And be it enacted*, That if the said railroad shall not be commenced within two years, and completed in five years from the fourth day of June next ensuing, that then and in that case this act shall be void.

State may subscribe for stock.

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 twenty-five thousand dollars, at any time before or within twelve months after the said road or roads are completed.

Certain officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and attorney general 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 the annual or other sessions thereof, shall pass and repass on the railroad of said company, in their cars, free of charge.

Public act.

20. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognised as such in all courts and places whatever, and shall take effect immediately after the passage thereof.

Approved February 21, 1851.

AN ACT to incorporate the Union Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of} *of the State of New Jersey,* ^{corporators.} That Richard Jones, Samuel Fowler, Robert O. Fowler, George W. Savage, William W. Campbell, Joseph R. Latourette, and Silas M. Stilwell, and their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Union Manufacturing Company," for the purpose of ^{Objects of} exploring for minerals, and of mining, cleansing, and ^{incorpora-} manufacturing phosphate of lime and other mineral and ^{tion.} metallic substances, with the power to lease, purchase, and hold such mining rights and real and personal estate as may by said corporation be deemed necessary and advantageous for exploring, mining, conveying, cleansing, and manufacturing as aforesaid, and to sell, lease, and mortgage the same, or any portion thereof, together with all the powers and privileges, and subject to such restrictions, limitations, and conditions as are specified in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except as otherwise granted in and by this act of incorporation; and this act shall continue in force for the term of twenty years.

2. *And be it enacted,* That the capital stock of this ^{Amount of} company shall be five hundred thousand dollars, divided ^{capital stock.} into shares of twelve and a half 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 and personal estate and mining rights that may be purchased or leased, and, by the by-laws, to compel payments 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, to forfeit the stock, and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in two newspapers, if two there be, published in the county of Hudson, and also in one published in the city of New York.

3. *And be it enacted,* That Richard Jones, Samuel Fow- ^{First direct-} ler, Robert O. Fowler, Joseph R. Latourette, George W. Sa- ^{ors.} vage, William W. Campbell, and Silas M. Stilwell shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday in April, eighteen hundred and fifty-two, and until others are elected or appointed in their stead.

Officers of
corporation.

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, together with the secretary, 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.

Time and
mode of an-
nual election

5. *And be it enacted*, That the annual election of directors shall take place on the first Tuesday of April in each year, commencing on the first Tuesday in April, 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 be entitled to one vote, and the vote may be by person or proxy; two weeks' notice shall be given, immediately prior to the said election, in a newspaper published in the county of Hudson and the city of New York; and if from any cause an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered, in conformity to the by-laws of said corporation.

Transfers to
be registered

6. *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 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 claims to vote; and all the books of said corporation shall be open to the inspection of the stockholders, and all those who may hereafter be appointed by law to examine the same, except the said transfer books.

Manufactur-
ing, where to
be carried
on.

7. *And be it enacted*, That the manufacturing of metals or ores under the authority of this act may be carried on in the county of Hudson, in this state.

When act to
take effect.

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

Passed February 26, 1851.

AN ACT to incorporate the Haddonfield Fire Department.

1. BE IT ENACTED *by the Senate and General Assembly* Owners, &c., of houses incorporated. *of the State of New Jersey*, That all owners or proprietors of dwelling houses and other buildings liable to injury by fire, situate in the village of Haddonfield, in the county of Camden, and in its vicinity, within the limits of a circle of sixteen hundred yards radius from the junction of the Haddonfield and Camden turnpike road with the Main street of said village, be and hereby are created and declared to be a body politic and corporate, under the name and style of "the Haddonfield Fire Department."

2. *And be enacted*, That the capital stock of said corporation, vested in real and personal estate, shall not in the aggregate exceed the sum of five thousand dollars, and shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, reservoirs of water, pumps, ladders, buckets, fire-hooks, and other implements for the extinguishment of fires, together with houses for storing and preserving all such apparatus, and to defraying such incidental expenses as shall, in the opinion of the board of managers herein after named, be necessary to effect the object of this corporation. Amount of capital stock.

3. *And be it enacted*, That the amount of capital stock at any time paid in shall be determined by said board of managers by an inventory of the property on hand and belonging to said corporation, at its actual cash value at the time of making such inventory. Amount of capital stock, how determined.

4. *And be it enacted*, That the engines, engine houses, and all other fire apparatus now in the possession of the fire company and inhabitants of said village, shall be and are hereby made the property of said corporation, upon the consent of, or upon compensation first made to the owners thereof. Engines, &c., to be property of corporation.

5. *And be it enacted*, That the members of this corporation shall assemble at the house now kept by Theodore C. Humphries, in said village, on the first Saturday in March next, at the hour of two o'clock in the afternoon, and at the same hour of the day on the first Saturday in March of each succeeding year, at such place as the board of managers shall determine; and the said members, so assembled, shall at the first and each succeeding annual meeting, elect by ballot, by plurality of votes, and not otherwise, a president, a secretary, a treasurer, and three managers, who shall together constitute a board of managers, and also one Time and mode of annual election of officers.

assessor, who shall hold their respective offices for one year and until their successors are duly elected; and the said members, then and there assembled, shall also determine by plurality of votes what amount of money shall be raised by assessment for the use of the corporation during the ensuing year; *provided*, that the board of managers shall not appropriate any of the funds of the corporation to the payment of the salary of any officer of the corporation, or as a remuneration for services by any officer, except as herein after provided, unless the by-law or resolution under which such appropriation is made be first presented to and approved by a majority of the members of the corporation present at their annual meeting.

Powers and duties of managers.

6. *And be it enacted*, That the active power of this corporation shall be vested in said board of managers, and they shall take charge of and keep in repair the property of said corporation; they shall also constitute a board of appeals, before and by whom all complaints with reference to assessments made by virtue of this act shall be heard and determined; and the said board of managers shall have power to fill all vacancies in their own body, or in any office under this corporation, until the next annual meeting; they shall give notice of each annual meeting, except the one in March next, also the sum of money which they may deem it expedient to raise for the expenses of the ensuing year, and of the purposes to which the same is intended to be applied, not less than five, nor more than fourteen days before said meeting, by handbills posted up in five of the most public places with the limits aforesaid.

Assessor to make return of number of buildings.

7. *And be it enacted*, That within thirty days after the annual meeting, the assessor shall make and return to the board of managers a correct list of all buildings within said limits (churches or places of public worship and public school houses excepted), with the value thereof, and the names of both the owners and occupants of the buildings, together with an assessment upon each building or set of buildings as aforesaid, of its or their equitable proportion of the sum voted to be raised by the corporation, making just allowance for the various degrees of hazard and liability to injury by fire to which said buildings may be exposed.

Treasurer to give notice of amount of assessment.

8. *And be it enacted*, That within ten days after the return of said list and assessment to the board of managers, the treasurer shall give to every resident member, whether individual or body politic and corporate, and in case of nonresident members, to the tenant in possession, a printed or written ticket, containing the amount of tax assessed upon the property owned or occupied by said member or

tenant, together with the time and place of meeting of the board of appeals.

9. *And be it enacted*, That within twenty days after the return of said assessment as aforesaid, the board of appeals shall sit in such place in the village of Haddonfield as they may have appointed, to hear and determine, as they shall deem equitable and just, the complaints of all persons who may feel aggrieved by the assessment so made as aforesaid. Meeting of board of appeals.

10. *And be it enacted*, That after the appeals to the board shall have been determined, the treasurer shall give public notice, by handbills posted up in five of the most public places within said limits, that if the taxes so assessed are not paid within thirty days from the date thereof, that the names of the delinquents will be returned to a justice of the peace for collection; and in case of nonresident members, the tenants in possession shall, in the same manner as the owners, be liable for, and they are hereby required to pay the taxes so assessed upon the property occupied by them, and they are hereby authorized to deduct or reserve such payment from the rent which they may have contracted to pay to the owners of said property; and in case of the nonoccupancy of any building, the assessment shall remain as a lien upon it, and the future occupants shall be liable for all arrearages of assessments upon said building. Notice to delinquents.

11. *And be it enacted*, That in case of nonpayment of taxes within the time specified in said notice, the treasurer shall make out a list of the delinquents, whether individuals or corporations, members of this corporation or tenants in possession, with the amount of tax payable by them, respectively, thereto annexed, and shall deliver the same to some justice of the peace of the township in which said corporation is situated, accompanied by his oath or affirmation that he has given the public notice required by the preceding section. Proceedings in case of nonpayment of taxes.

12. *And be it enacted*, That the justice of the peace before whom such return shall be made, within five days after the reception of said list of delinquents, shall deliver to some constable of the county a warrant to levy the tax so in arrear, with costs; and the said justice and constable shall proceed, in like manner and under like penalties and liabilities, to levy the tax so in arrear, as is directed in the act entitled, "An act concerning taxes," approved April the fourteenth, eighteen hundred, and forty-six; and the said assessor, justice, and constable shall be entitled to like fees Taxes, how collected.

Proviso. as for like services under said act; *provided*, that the taxes so levied and collected shall be paid to the treasurer of the corporation; and that if, in the opinion of the board of managers, the interest of the corporation would be promoted thereby, it shall be lawful for the said board of managers to appoint a special constable, to whom the justice shall direct the tax warrant required by this act; and who, after having given bond, with such security as said board shall direct and approve, shall be authorized to perform the duties required to be done in and by this act, as fully as a constable elected at the annual town meeting.

Who are members of corporation. 13. *And be it enacted*, That no person shall be qualified to vote or hold office by virtue of this act who is not a member of the corporation hereby created; and that all resident property owners and tenants who shall pay the tax assessed on the property by them occupied shall be considered members of this corporation.

Penalty for illegal voting. 14. *And be it enacted*, That if any person shall vote at said annual meeting who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered, with costs, before any justice of the peace of the county of Camden, in the name and for the use of the corporation;

Proviso. *provided*, that any body politic or corporate, being a member of this corporation, may vote through its presiding officer, whether he be a member of this corporation or not.

Firemen to be exempt from jury duty. 15. *And be it enacted*, That the said corporation shall have power to raise and organize, from among its members and other persons residing within said limits, one company of firemen, not exceeding thirty members, for each and every fire engine that is or may be within said limits; and such firemen shall be exempt from jury duty, so long as they shall belong to such company.

Fire companies may make by-laws. 16. *And be it enacted*, That said company or companies of firemen shall have power to make such by-laws for their regulation and government, not inconsistent with the constitution and laws of this state, as they may deem proper, and enforce the same by fines collectable by law, in an action of debt, with costs, before any justice of the peace of the county of Camden, in the name of this corporation and for the use of said company or companies, respectively;

Proviso. *provided*, that such by-laws shall not be in force until approved by the said board of managers.

Penalty for creating false alarms of fire or injuring property. 17. *And be it enacted*, That any person who shall maliciously create or knowingly continue any false alarm of fire within said limits, shall, on due proof thereof before any justice of the peace of said county, be subject to be

punished by fine, in any sum not exceeding ten dollars, or by imprisonment in the county jail, not exceeding five days; and that any person or persons who shall in any manner wilfully injure, deface, or destroy any building, engine, pump, ladder, or other property of this corporation, on due proof thereof in manner aforesaid, shall be punished by fine not exceeding twenty dollars, and shall also pay double the amount of the costs of repairing said damage or injury; and that all fines and other moneys recovered under this section shall go, the one half to the informer and one half to the treasurer, for the use of the corporation.

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

Approved February 21, 1851.

AN ACT for the partition of certain real estate late of Robert Taylor, of the county of Hunterdon, deceased, between Archibald S. Taylor and his children, and the widow and children of John Allen Taylor, deceased.

WHEREAS Robert Taylor, of the county of Hunterdon, state Preamble. of New Jersey, deceased, being seized of the real estate herein after referred to and set forth, made and published in due form of law, his last will and testament, on the eleventh day of February, eighteen hundred and nineteen, in which said last will, after certain devises and bequests, there is contained the following residuary clause, to wit: "and all the rest and residue of my estate, both real and personal, after the payment of debts, expenses, and legacies herein bequeathed, I do give, devise, and bequeath to my two sons, Archibald S. Taylor and John A. Taylor, children of the aforesaid Sarah Bartholomew, to them and to their lawful issue for ever, to be equally divided between them, share and share alike, subject, nevertheless, to the payment of the annuity of three hundred and fifty dollars bequeathed to their mother, Sarah Bartholomew, and also the payment of the twelve thousand dollars bequeathed to my daughter, Harriet Elizabeth Taylor; and for the sure and certain payment of the said bequests, I do hereby charge and make liable the real

estate devised to my two sons for the payment thereof; and further, it is my will, in case of the death of either my son John, or of my daughter Harriet E. Taylor, before they attain the age of twenty-one years, or without lawful issue, that the real and personal estate herein devised and bequeathed to them shall descend to the survivor and Archibald S. Taylor, and I do hereby devise and bequeath the same to the said Archibald S. Taylor and the survivor of the said John and Harriet, and to their lawful issue for ever, to be divided equally between them, share and share alike;" and afterwards, to wit, on the thirtieth day of August, in the year of our Lord eighteen hundred and twenty-one; he, the said Robert Taylor, duly made and published a codicil to his said last will, bearing date the day and year past aforesaid, and annexed the same thereto, whereby he republished his said last will. And afterwards the said Robert Taylor died, leaving the said will and codicil in full force, which were thereupon proved in due form of law, under and by virtue of which said last will and codicil, and the act of the legislature in such case made and provided, the said Archibald S. Taylor and John Allen Taylor became and were seized of the said real estate embraced in and devised to them by the said residuary clause, as tenants for life of undivided moities or half parts, with remainder in fee simple to their children, as tenants in common. And whereas the said Archibald S. Taylor and John A. Taylor, immediately after the death of the said Robert Taylor, entered upon and took possession of the said real estate and premises so devised to them, and being so seized and possessed thereof, did agree to make an amicable division between themselves of the said real estate, to the end that each might have, hold, and enjoy his separate share thereof in severalty, subject to the devises and limitations in the said will; and thereupon to carry said agreements into effect by a certain deed of indenture, made by and between the said Archibald S. Taylor, of the one part, and the said John A. Taylor, of the other part, bearing date the ninth day of October, eighteen hundred and twenty-six, and on the same day duly acknowledged by the said Archibald S. Taylor and the said John A. Taylor; and afterwards, to wit, on the twelfth day next ensuing of the same month of October, duly recorded in the clerk's office of the county of Hunterdon, the said Archibald S. Taylor, for the consideration of one dollar to him paid by the said John A. Taylor, did grant, bargain, assign, release, and confirm unto the said John A. Taylor, for, during, and until the full end and term of the

joint natural lives of the said Archibald S. Taylor and John A. Taylor, as and for his share and proportion of the said real estate devised as aforesaid, the just and equal one half part thereof in value, consisting of divers tracts or parcels of land situate in the counties of Hunterdon and Warren, in the state of New Jersey, particularly designated and described in the said partition deed, to have and to hold the said several parcels of land and premises, with the appurtenances, and to take and receive the rents, issues, and profits thereof, to the sole and separate use of the said John A. Taylor for and during the term aforesaid. And in and by the same deed of indenture aforesaid, the said John A. Taylor, for the consideration of one dollar, to him paid by the said Archibald S. Taylor, did grant, bargain, assign, release, and confirm unto the said Archibald S. Taylor; for, during, and until the like full end and term as aforesaid, as and for his share and proportion of the said real estate devised as aforesaid, the just and equal one half part thereof in value, consisting of divers tracts or parcels of land, situate in the counties of Hunterdon and Warren aforesaid, particularly designated and described in the said partition deed: to have and to hold the said several parcels of land and premises, with the appurtenances, and to take and receive the rents, issues, and profits thereof, to the sole and separate use of the said Archibald S. Taylor, for and during the term last aforesaid; which said partition was a fair and equal division of the said real estate so devised to them as aforesaid.

And whereas, by the memorial and partition of the said Archibald S. Taylor, George W. Taylor, Lewis H. Taylor, William J. Taylor, and Sarah Ann, wife of James R. Dunham, who, with John B. Taylor are the children and presumptive heirs-at-law of the said Archibald S. Taylor, and the said James R. Dunham, and of Sarah M. Taylor, widow of the said John A. Taylor, deceased, John E. Taylor, Harriet E. Taylor, Joanna Taylor, Henry Taylor, and Robert W. Taylor, children and heirs-at-law of the said John A. Taylor, deceased, by their guardian, the said Sarah M. Taylor, and by duly authenticated documents and other evidences and proofs, it is further sufficiently proven and shown, and satisfactorily appears, that Sarah Ann, daughter of the said Archibald S. Taylor intermarried with the said James R. Dunham in the year eighteen hundred and thirty-three; that the said John A. Taylor departed this life on the tenth day of August, eighteen hundred and forty-nine, leaving the said John E. Taylor, Harriet E. Taylor, Joanna Taylor,

Henry Taylor, and Robert Taylor, his children and heirs-at-law, all of whom are minors under the age of twenty-one years, and leaving the said Sarah M. Taylor his widow, who is entitled to dower, in the said premises; that, on the twelfth day of October, eighteen hundred and forty-nine, the said Sarah M. Taylor was duly admitted, by the orphans' court of the county of Hunterdon, as the guardian of the persons and property of the said children of the said John A. Taylor, deceased; that the said Archibald S. Taylor is a widower, of the age of seventy-two years and upwards, very infirm and without any prospect or expectation of marrying again, or of having any further issue; that, from the situation and condition of the said families and their estates, no partition of the said real estate in fee simple between the said Archibald S. Taylor and his children, on the one part, and the said widow and the infant children of the said John A. Taylor, deceased, on the other part, can be effected by means of any of the ordinary proceedings at law or in equity, in similar cases prescribed; that it is necessary that such partition should be made, in order that the parties in interest may be enabled fully to use and enjoy their respective rights in the said lands and premises; and all the said petitioners being willing and desirous that such partition be made under the power and authority of an act of the legislature of the state, and having in their said memorial prayed that, by an act of the legislature, a just and equal partition of the said real estate may be made between the said Archibald S. Taylor and his said children, on the one part, and the said widow and children of the said John Allen Taylor, deceased, on the other part, and according to the fair and equal division thereof heretofore made by and between the said Archibald S. Taylor and the said John A. Taylor, by their deed of partition above mentioned; and that, in and by said act, it shall be expressly provided that the said several tracts and parcels of land and premises, with their appurtenances, in and by the said deed of partition transferred, released, and confirmed in severalty to the said John A. Taylor, deceased, shall be allotted to and vested exclusively in fee simple in the said children of John A. Taylor, deceased, as tenants in common, subject to the right of dower of his said widow, Sarah M. Taylor; and that the said several tracts and parcels of land and premises, with their appurtenances, in and by said deed of partition transferred, released, and confirmed in severalty to the said Archibald S. Taylor, shall be allotted to and vested exclusively in the said

Archibald S. Taylor for his life, with the remainder in fee simple to his children, born and to be born, as tenants in common—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That partition of the said lands and premises be made between the said Archibald S. Taylor and his said children, in the one part, and the said widow and children of the said John Allen Taylor, deceased, on the other part, agreeably to the prayer of the said petition. Partition authorized.

2. And be it enacted, That the lands and premises allotted and assigned in severalty by the aforesaid deed of partition, and therein particularly set forth and described, to the said John Allen Taylor, deceased, as and for his share and proportion of said real estate, that is to say, all that certain farm and plantation situate in the township of Bethlehem, county of Hunterdon, and state of New Jersey, then in the tenure of Matthias Fishbock, being part of a larger tract known by the name of the Musconetcong tract of land, containing one hundred and seventy and one half acres of land, more or less; also, all that farm or plantation situate in the township of Bethlehem aforesaid, then in the tenure of William Sine, adjoining the above described farm, being also part of the aforesaid larger tract, called the Musconetcong tract, containing one hundred and thirty-five acres and seventy-five hundredths of an acre, more or less; also, all that tract of land or wood lot, purchased by the then late Robert Taylor of the then late Arthur Henarie, adjoining the last described farm, and situate in Bethlehem township aforesaid, containing forty-five acres and five-tenths of an acre, more or less; also, all that tract of land or plantation situate in the township of Bethlehem aforesaid, adjoining lands then of Benjamin Chew, Joseph Bird, the heirs of the then late George Beavers, Baltus Stiger, purchased by the then late Robert Taylor of William Lowry, formerly high sheriff of Hunterdon county, and then in the tenure of said Baltus Stiger, containing five hundred and thirty-three acres of land, more or less; also, all that certain tract or parcel of land, being part of the Union tract, and described in the map of partition of said Union tract, as lot number forty-four, in Bethlehem township aforesaid, and purchased by the then late Robert Taylor of William Allen, containing one hundred and eighty-four acres, excepting and reserving therefrom so much of the said premises as was conveyed by the then late Robert Taylor to Jacob Anderson, viz: one hundred acres and eighty-eight hundredths of an acre of land, more or less; also, all that tract or parcel of land, Lands assigned to children and widow of J. A. Taylor.

being also a part of the Union tract, and described in the map of partition of said Union tract as lot number thirty-six, situate in Lebanon township, county and state aforesaid, and purchased by the then late Robert Taylor of William Allen, containing one hundred and eighty-five acres of land, more or less; also, all that certain lot or parcel of land, situate in Lebanon township aforesaid, being part of lot which lot is part of the aforesaid Union tract, and marked on a map of partition of said Union tract as lot number twenty-seven, and was purchased by the then late Robert Taylor of the then late John Allen, containing seventeen acres of land, more or less; and also, all that lot or parcel of land, being part of a larger tract marked on the map or partition of the Union tract as lot number twenty-five, and which lot was purchased by the then late Robert Taylor of William Allen, and was reserved by the said Robert Taylor out of the said lot number twenty-five, containing twenty-four and a half acres, together with and including all the right, title, and interest of which the then late Robert Taylor died possessed to a lot of land, described as lot number twenty-five, on the map of partition of the Union tract by the said Archibald S. Taylor to the said John Allen Taylor, and all the remainders, reversions, rents, issues, and profits thereof, be, and the same hereby are vested in severalty, in equal undivided shares in fee simple, in the said infant children of the said John Allen Taylor, deceased, as tenants in common, to the exclusion of the said Archibald S. Taylor, his present or any future children or issue, subject to the right of dower of the said Sarah M. Taylor, widow of the said John Allen Taylor, deceased, who is to take her dower exclusively out of the lands and premises in this section mentioned.

Lands assigned to the children of A. S. Taylor.

3. *And be it enacted*, That the lands and premises allotted and assigned in severalty in and by the aforesaid deed of partition, and therein particularly described, to the said Archibald S. Taylor, as and for his share and proportion of said real estate, that is to say, all that tract of land and plantation situate in the township of Greenwich, county of Warren, and state aforesaid, being part of the aforesaid larger tract, known by the name of the Musconetcong tract, and then in the tenure of William Tinsman, being all that part of the said tract situate on the northferly side of the Musconetcong creek, containing three hundred and twenty-five acres and six-tenths of an acre, more or less; also, all that tract or parcel of land situate in the township of Bethlehem, county of Hunterdon, and state aforesaid, commonly called the Henderson farm, which was purchased by the

then late Robert Taylor of John Anderson, formerly high sheriff of the county of Hunterdon, and then in the tenure of Pierson Orrison, containing two hundred and twenty-two acres and one-tenth of an acre, more or less; also, all that tract or parcel of land, commonly called the old Union Forge farm, being part of the Union tract purchased by the then late Robert Taylor of William Allen, and designated on the map of partition of said Union tract as lot number fourteen, containing three hundred and sixty-six acres of land, more or less; also, all that tract or parcel of land, situate in the township of Lebanon, state aforesaid, being part of the Union tract then in the occupation of John and William Alpaugh, and designated as lot number sixteen on the map of partition of the said Union tract, purchased by the then late Robert Taylor of the then late John Allen, containing two hundred and thirty-nine acres of land, more or less; also, all that tract of wood land, situate in the said township of Lebanon, being part of the aforesaid Union tract, purchased by the then late Robert Taylor of the then late John Allen, and is designated as lot number twenty-three on the map of partition of the said Union tract, containing one hundred thirty-five acres of land, more or less; also, all that certain tract or parcel of land, situate in the township of Independence, in the county of Warren, state aforesaid, purchased by the then late Robert Taylor of Christian Schmuck, and then in the tenure of Philip Dyer, containing three hundred and twenty-nine acres of land, after deducting therefrom four acres, being the meeting house lot, be the same more or less; and also, the remainders, reversions, rents, issues, and profits thereof, be, and the same hereby are vested in severalty in the said Archibald S. Taylor, for and during the term of his natural life, with the remainder in fee simple in the said children of the said Archibald S. Taylor, to the exclusion of the widow and children of the said John Allen Taylor, deceased, and which said remainder is hereby vested in said children in fee simple, as tenants in common, in equal undivided shares and portions, subject, nevertheless, to the rights of any future child or children of the said Archibald S. Taylor, that may hereafter be born; and in case any such child or children shall be hereafter born, then and in that case the estate in said lands and premises, so limited and vested as aforesaid, in remainder to the said children of said Archibald S. Taylor, shall open and let in such after-born child or children, who shall take in fee simple equal shares or portions in said premises with the children above named.

4. *Provided nevertheless, and it is hereby enacted, That* nothing in this act contained or expressed shall in any

Rights of
other claim-
ants not to
be impaired.

manner destroy, defeat, impair, or affect the right, title, interest, property, claim, or demand of any person or persons whatever, in law or in equity, in or to the said respective tracts of land and premises, or any part thereof, claiming the same under any of the said petitioners, or by or under any paramount right or title whatever.

Approved February 19, 1851.

AN ACT to incorporate the Pacific Mutual Insurance Company.

Style of incorporation.

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 Pacific Mutual Insurance Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each; and that the whole of said 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 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 the city of Trenton, in Mercer county, as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in one newspaper printed in Princeton and one at Trenton; 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 city of Trenton, in the county of Mercer.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary, and treasurer, and to allow them, respectively, such compensation for their services as may in their judgment be deemed reasonable. Directors to appoint officers.

5. *And be it enacted*, That John F. Hageman, Xenophon J. Maynard, Philemon Dickinson, and William A. Ingham are hereby appointed commissioners to open books for subscription to the capital stock of said company at Trenton, upon one week's notice published in all the daily papers of that city; 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. Commissioners to open books of subscription.

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 also to insure ships and other vessels, rights, interests, and property, against every description of casualty incident to marine and inland transportation. What property company may insure.

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. Policies, &c., may be made with or without seal.

8. *And be it enacted*, That it shall and may be lawful for said company 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 What real estate may be held.

stocks, bonds, and mortgages, and such other securities as the directors may approve.

Stock transferable.

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

Dividends may 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 and the assured, on the mutual plan, 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.

Public act.

11. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately after the approval thereof, and the legislature may hereafter modify or repeal the same.

Approved February 19, 1851.

AN ACT to incorporate the Rahway Savings Institution.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James B. Laing, Benjamin M. Price, Joseph S. Smith, Jonathan Woodruff, Lewis Drake, Eugene F. W. Gray, Thomas H. Shafer, Silas Cook, junior, Amos C. Watson, Edward Y. Rogers, Eden Haydock, Lewis B. Brown, William C. Squire, Francis Labaw, Jonathan Thompson, John Bowne, Joel Wilson, Jacob L. Woodruff, William Coddington, Horace Trumbull, Ellis B. Freeman, Jacob R. Shotwell, Isaac Osborn, and Ira Campbell, and their successors, shall be, and are hereby constituted a body corporate and politic, by the name of "the Rahway Savings Institution."

Officers of institution.

2. *And be it enacted*, That the institution shall be conducted by not less than twelve managers, seven of whom shall constitute a quorum to do business; and when the seat of any manager shall become vacated, by death, resignation, or otherwise, then the board of managers shall have

power to fill such vacancy by a vote of a majority of the managers; the persons named in the first section of this act shall be the first managers of the institution; and the managers shall hereafter meet annually on the second Monday of May, and choose from their number a president and two vice presidents; and they shall have power to appoint a secretary and treasurer, and such other officers as to them shall appear necessary, which officers, so chosen and appointed, shall continue in office one year and until others are chosen; and all officers so chosen shall take an oath, before some justice of the peace of the county of Middlesex, faithfully to perform the duties of their office, respectively.

3. *And be it enacted*, That the board of managers shall from time to time have power to make, ordain, and establish such by-laws and regulations as they shall judge proper for the transacting, managing, and directing the affairs of the institution; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States. Managers to make by-laws. Proviso.

4. *And be it enacted*, That the said corporation may receive as deposits all sums of money which may be offered for the purpose of being invested, in such sums and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to such depositor at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts, of any description, as may be committed to such corporation by any person or persons whatsoever, by will or otherwise, or transferred to the same by order of any court; *provided*, the said corporation shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit until it amounts to the sum of five dollars, nor to pay interest on the fractional part of five dollars; and, to avoid the calculation of days on small sums, they shall not be required to allow interest on the fractional part of a month, and months shall be computed as calendar months. Corporation may receive deposits. Proviso.

5. *And be it enacted*, That the said corporation shall invest no money in any other public stocks than such as are created under the laws of the United States or of this state, New York, or Massachusetts, nor on bonds and mortgages, except on unencumbered real estate worth double the amount so invested. Money, how to be invested.

6. *And be it enacted*, That no member of said corporation shall be the hirer or borrower, or surety for any hirer Money not to be loaned to members.

or borrower of the funds of said corporation, or any part thereof; and no president, vice president, or manager of said corporation shall be entitled to, or receive any compensation for his services.

Corporation
may pay de-
posits to mi-
nors.

7. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay any depositor, being a minor, such sums as may be due to such depositor, notwithstanding that no guardian shall have been appointed on his behalf, and that the acquittance or receipt of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit.

What real
estate may
be held.

8. *And be it enacted*, That the said corporation may purchase and hold real estate, to cost not exceeding five thousand dollars, in addition to such as may be conveyed to such corporation for security or in payment of loans.

Annual state-
ment to be
made.

9. *And be it enacted*, That it shall be the duty of the corporation to make an annual statement or report, to the legislature of this state, of the state of its funds, which statement shall be verified under the oath of the president and treasurer.

Place of bu-
siness.

10. *And be it enacted*, That the office of business of the said corporation shall be in Lower Rahway, in the township of Woodbridge, in the county of Middlesex.

Approved February 19, 1851.

AN ACT to incorporate the Temperance Hall Association of Trenton, New Jersey.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob S. Yard, John A. Hutchinson, James Hamilton, Joseph G. Brearley, Xenophon J. Maynard, Joseph Hannum, Theodore L. Cuyler, Charles T. Allaire, Charles B. Smith, Herbert F. Yard, Charles Skelton, John D. Hester, Samuel H. Lake, Richard Thomas, Reuben Groves, Peter Obert, Henry B. Howell, junior, their successors, and such persons as now are or hereafter may be associated with them, shall be, and hereby

are ordained, constituted, and declared a body politic and corporate, in fact and in law, by the name, style, and title of "the Temperance Hall Association of Trenton, New Jersey."

2. *And be it enacted*, That the object of said incorporation shall be, the erection of a temperance hall and the promotion of temperance; and it shall be lawful for said corporation to use, or to lease and permit to be used, such parts of the hall or building or buildings to be erected by them, as shall not be necessary for holding their public and other meetings, and to promote the immediate objects of their incorporation, for the purpose of carrying on any trade or business therein, not inconsistent with the laws of this state or the provisions of this charter.

3. *And be it enacted*, That the capital stock of said association shall not exceed the sum of ten thousand dollars, divided into shares of ten dollars each; said shares to be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct.

4. *And be it enacted*, That the government of the said corporation, and the management and disposition of its stock, property, and concerns, shall be vested in seven directors, chosen from among the stockholders in the manner herein after directed, who shall hold their office for the term of one year and until others are elected; and in all cases the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been held; and should any vacancy or vacancies occur during the interval between the annual elections, by reason of death, resignation, or otherwise, in such case the remaining directors, or a majority of them, may proceed to choose persons to fill such vacancy or vacancies; the said directors shall appoint, from among themselves, a president, secretary, and treasurer.

5. *And be it enacted*, That the election for directors aforesaid shall be held annually, on the second Tuesday of February, at such place in the city of Trenton as shall be directed by the by-laws of the said corporation; and public notice of said election shall be given in at least two newspapers, if two there are printed in the city of Trenton, not less than five days previous thereto; and each stockholder shall be entitled to as many votes, in person or by proxy, as he, she, or they shall hold shares of the capital stock of the said corporation.

6. *And be it enacted*, That in case it should at any time happen that an election should not be held on the day that

Corporation
not dissolved
for failure to
pay on day
prescribed.

pursuant to this act it ought to be held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws of said corporation; and the following persons shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, and to call the first meeting of the stockholders for the election of directors, namely, Jacob S. Yard, John A. Hutchinson, and James Hamilton.

Books of ac-
count to be
kept.

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

Instalments,
how paid.

8. *And be it enacted*, That whenever the sum of seven thousand and five hundred dollars of the stock as aforesaid is subscribed, and one dollar on each share paid in, the president and directors may purchase a lot or lots of ground, and proceed to erect thereon such buildings as may be deemed needful and proper for the purposes of the corporation; and that instalments of the shares subscribed may be called in as the wants of the association may require; and any stockholder refusing or neglecting to pay the instalments, as required by the directors, after thirty days' notice, his, her, or their instalments paid in may be forfeited to the association, by order of the directors.

Restrictions.

9. *And be it enacted*, That the directors shall not, in any case, let, rent, or lease, or cause to be let, rented, or leased, any portion of the building or buildings belonging to the said corporation, for the purpose of being used to dispose, either by sale or otherwise, of any kind of intoxicating liquors, except the same be compounded and used as medicine or for chemical purposes.

Approved February 12, 1851.

AN ACT to facilitate the collection of taxes in the township of Woodbridge, in the county of Middlesex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Woodbridge, in the county of Middlesex, annually, to appoint some capable and proper person, residing in the county of Middlesex, to be, and to be called, the collector of the arrearages of taxes of said township, to whom all warrants that may and shall be issued by any justices of the peace in said county, by virtue of "An act concerning taxes," approved April fourteenth, in the year eighteen hundred and forty-six, for the purpose of enforcing the payment of any taxes, or arrearages thereof, in said township, shall be delivered by such justices, and no other person shall serve or execute such warrant, except as is herein after provided.

Collector of arrearages of taxes to be appointed.

2. *And be it enacted*, That the said collector of taxes shall continue in office for one year and until another shall be appointed in his place, and shall be entitled to and allowed the same fees for services under and by virtue of any such warrant, as are allowed to the constable for such services by the act entitled, "An act concerning taxes" aforesaid, and the supplements thereto, and shall also be liable to all the penalties and liabilities for neglect, or nonperformance of duties, shall have all the powers and privileges, and shall perform all the duties, that by the said act concerning taxes, and the supplements thereto, are named, imposed upon, and granted to the constable as aforesaid.

Powers and duties of collector.

3. *And be it enacted*, That every such collector of taxes, appointed as aforesaid, shall, before he enters upon the performance of the duties of his said office, and within seven days after he shall have received notice of his appointment by the said township committee, enter into bond to the inhabitants of said township of Woodbridge, in the county of Middlesex, with two or more sureties, good and sufficient freeholders in said county, in such sum as the said township committee shall name, not less than the whole amount of taxes returned by the township collectors to the justice or justices, conditioned that the said collector of taxes shall and will well and faithfully discharge and perform all the duties imposed upon him by this act, which bond, when forfeited for the neglect of any duty so as aforesaid imposed upon such collector of taxes, may be prosecuted for the use and benefit of said township; and all actions and suits to be brought and prosecuted on any such bond shall and may

Collector to give bond.

be brought in the supreme court of this state, or in the circuit court or inferior court of common pleas of said county of Middlesex; and in every action upon any such bond, the plaintiffs may assign as many breaches as they think fit, and the jury, upon trial of such action, shall assess damages for such of the said breaches as the plaintiffs shall prove to have been made, and on verdict therefor, the like judgment shall be entered as hath heretofore been usually entered in like actions; *provided*, that, in any action or suit that may be commenced and prosecuted on any such bond, no challenge to the court shall be made or allowed, by reason of the liability of any member or members thereof to assessment or taxation in said township or county or state; *and provided further*, that the inhabitants of the said county shall and may be competent jurors and witnesses therein.

Proviso.

Proviso.

Justice to deliver warrants to constable, if not informed of appointment of collector.

4. *And be it enacted*, That it shall be the duty of every justice of the peace in said county, to whom any list of delinquents shall be delivered by any township collector of said township, according to the requirements of "An act concerning taxes" aforesaid, to give notice thereof to the township committee of said township of Woodbridge within three days after such list shall have been delivered to him; and if the said committee shall fail or neglect, for two days after such notice, to inform such justice of the appointment of a collector of taxes as aforesaid by them, specifying the name and residence of such collector of taxes, then it shall and may be lawful for every such justice to make out and deliver to some constable or constables of the said county a warrant or warrants, according to the directions and provisions of the "Act concerning taxes" as aforesaid; but if the said committee shall, within two days as aforesaid, notify such justice of such appointment of a collector of taxes, in manner as is herein before provided, then such justice shall deliver the said warrant or warrants to such collector of taxes.

Justice to deliver warrants to constable; &c.

5. *And be it enacted*, That it shall be lawful for any justice of the peace in said county, to whom any list of delinquents shall have been delivered before the passage of this act, by any township collector of said township, to issue and deliver to the collector of the arrearages of taxes, by this act authorized, as soon as he shall be notified of the appointment of such collector, a warrant or warrants for the collection of taxes heretofore assessed, and now due in said township, directed to the said collector of arrearages of taxes, which said warrant or warrants shall be in all other respects in the same form, and shall be served and returned in the same manner, and within the same time

after the date thereof, as is directed in the act entitled, "An act concerning taxes," any thing in this act, or in said act concerning taxes, to the contrary notwithstanding.

6. *And be it enacted*, That the said township committee may, for any neglect of the collector by them appointed, in the performance of the duties required of him under the provisions of this act, remove him from office, and appoint another person in his place, who shall perform the duties, give the like sureties, and be liable to the same penalties, as herein before provided.

Collector may be removed for neglect of duty.

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

Approved February 19, 1851.

AN ACT to incorporate the Chingarora Dock Company of Keyport.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Sproul, James Sproul, Alfred Walling, Thomas B. Stout, Richard D. Walling, Peter Stout, Asbury Fountain, Garret Hyers, Haddock Whitlock, William Little, Daniel S. Stilwell, and John W. Walling, and such other persons as they may associate with them, their successors and assigns, be, and they are hereby created and made a body politic and corporate in law, by the name and description of "the Chingarora Dock Company of Keyport," for the purpose of continuing, keeping, and maintaining the dock or wharf, now owned by the said company, and situate in the village of Keyport, township of Raritan, Monmouth county, and extending from said village into Raritan bay; and from time to time to repair or rebuild the same, and to extend or enlarge the same, when necessary for the better accommodation of boats or vessels, and appoint a suitable person as dock master to collect the dockage.

Names of incorporators.

2. *And be it enacted*, That the management of the affairs of the corporation shall be intrusted to three directors, being stockholders and residents of the county of Monmouth, which said directors shall hold their offices for one year from the first Monday of January in each year, and

Election of directors.

till others are elected in their stead; an annual election shall be held on the first Monday of January, in each year, at such place in the county of Monmouth as the said directors may from time to time appoint, which election shall be by ballot, either in person or by proxy; and Asbury Fountain, Richard D. Walling, and James Sproul shall be the first directors, and shall hold their offices until the first Monday of January, one thousand eight hundred and fifty-two, and till others shall be elected in their stead.

First directors.

Rates of dockage.

3. *And be it enacted*, That the said corporation shall be entitled to demand and receive the following rates of dockage, to wit: for each vessel under twenty tons, thirty cents each day; for each vessel over twenty tons and under fifty tons, fifty cents per day; for each vessel over fifty tons and under seventy-five tons, sixty-two and a half cents per day; for each vessel over seventy-five tons and under one hundred tons, seventy-five cents per day; and for all vessels over one hundred tons, twelve and a half cents for each additional twenty-five tons over one hundred tons; and each vessel which shall be fastened to any other vessel that shall be fastened to the said dock, shall pay the one half of the rates of dockage above mentioned; and all vessels making fast to said dock, for the purpose of laying up, shall pay half dockage; and for the recovery of said rates of dockage, the said corporation shall have power to sue by action of debt, in any court having cognizance thereof, as herein after directed.

Rates of dockage by the year.

4. *And be it enacted*, That the said corporation may, and when requested so to do shall, agree by the year, with 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 sixty cents per ton, of any such vessel for one year.

Rates for unloading at dock.

5. *And be it enacted*, That all persons unloading their cargoes on said dock, or laying the same thereon for the purpose of being loaded, shall pay for every day the same may lay thereon, the same rates of dockage, the vessel unloading or to load, and receive the same, shall be entitled to pay.

Articles over certain w't not to be deposited on dock.

6. *And be it enacted*, That no person or persons shall unload, land, or discharge, or cause or permit to be unloaded, landed, or discharged, from any vessel, or cause or permit to be deposited upon the said dock, any brick, stone, iron, lead, timber, or any other substance, exceeding in weight ten tons, without permission of the dock master,

under the penalty of ten dollars for every such offence, to be recovered in an action of debt, in any court having jurisdiction thereof.

7. *And be it enacted,* That the dock master, to be appointed as aforesaid, shall have full power and authority to sue for and recover all dockage due the said corporation, and also all fines and penalties, in an action of debt, in any court having jurisdiction thereof; which fines and penalties, when recovered, shall be paid to the collector of the township in which the said dock is situated, for the use of said township. Dock master to collect fines and penalties.

8. *And be it enacted,* That in case the master, owner, or person having charge of any vessels not belonging to the state of New Jersey, which shall lay at said dock over twenty-four hours, on demand being made of him by the dock master for the dockage of said vessel, shall refuse to pay the dockage due from said vessel, the said dock master may distrain any of the goods and chattels found on board of said vessel, and sell and dispose of the same, in the same manner as is provided for in the case of rent; *provided,* the said dock master shall first make oath, before some justice of the peace, that he demanded the said dockage, and that the said owner, master, or other person having charge of said vessel, refused to pay the same, and that he informed him or them that he intended to make the said oath, for the purpose of distraining as aforesaid. Goods and chattels may be sold on refusal to pay dockage. Proviso.

9. *And be it enacted,* That if any person or persons shall wilfully or negligently destroy, or in any wise injure the said dock, such person or persons shall be responsible for, and shall make good all damage which the said corporation may sustain thereby, to be sued for and recovered in an action of debt, in any court having jurisdiction thereof, by the directors of said corporation. Penalty for injuring dock.

10. *And be it enacted,* That if the said corporation shall refuse or neglect to keep the said dock in good repair, and suffer the same to become unfit for use, for the space of one year, their corporate powers shall cease, and this act become null and void. Penalty for refusing to keep dock in repair.

11. *And be it enacted,* That this act shall not affect the legal rights of any other person of this state, or the common rights of the citizens of this state, nor confer any right of ferry, or claim of right of ferry, upon the said corporation, nor shall it authorize the extension of said dock so far into the bay, as to injure or impede the navigation of the same. Rights of others not to be affected.

Approved February 21, 1851.

AN ACT to incorporate the Coleville and Carpenters Point Turnpike Company.

Style of incorporation.

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 Coleville and Carpenters Point Turnpike Company;" and that John J. Cooper, Levi Davenport, Samuel Wickham, R. Chandler Wood, William Benjamin, John B. Decker, Samuel Whitaker, Samuel Fowler, and Daniel Hilferty, or a majority of them, are hereby appointed commissioners to open subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Commissioners to open books.

Amount of capital, and payment of instalments.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with the privilege of increasing it to any sum not exceeding ten 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 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*, 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 five 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 business,

out any less number may adjourn from time to time; and that when the whole 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 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, 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 the said stock shall not be subscribed for within two, 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 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 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 holding 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.

Directors to
appoint pre-
sident.

5. *And be it enacted*, That at the annual meeting of

Annual statement to be made.

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.

Company authorized to construct road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, four rods wide, from Coleville, in the county of Sussex, across the Pagnahaling mountain, to a point in the line between the states of New York and New Jersey, at or near Carpenters Point, in the said state of New York, which turnpike shall be made on the most direct and convenient route for the purpose of constructing the same; and said turnpike road shall be constructed at least thirty-three feet wide, and 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, or other material, to make a solid, firm, and even road at all seasons of the year; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty-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; *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, gravel, or other materials from his or her lands for the construction or maintaining of said turnpike road.

Description of road.

Proviso.

Proceedings in case owners 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 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, gravel, clay, sand, earth, or other materials therefrom, suitable for constructing and maintaining said road, as aforesaid; *provided* ^{Proviso.} *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 judge of the court of common pleas of the county of Sussex, 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, 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, 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 Sussex, to be by him 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 said county of Sussex, 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 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 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 company may enter upon and remove all such earth and other materials 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 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 the said court, for the use of said owner or owners; all which proceedings shall be at the proper costs 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 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 a half.

For every additional beast, one cent and a half.

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 per-

Proviso.

son passing to or from any place of 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.

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 Coleville and Carpenters Point; 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."

Mile stones
or posts to
be erected.

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 costs of suit; and if any person, with his carriage, team, or horse shall turn out of the said road to pass a gate or gates on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
injuring
works.

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

Penalty for
illegal tolls
or delaying
travellers.

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 said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of the 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 for damages, for every such offence, to be recovered with costs of suit.

Company to keep road and bridges in repair.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road, and bridges which may be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Sussex, 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, 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 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; 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 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 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 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 same manner above prescribed, one or more respectable freeholders, in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

14. *And be it enacted*, That the said company may, from time to time, make and declare such dividends from the tolls, as they may think proper. Dividends.

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 is applicable. Powers, restrictions, and liabilities.

Approved February 21, 1851.

A supplement to an act entitled, "An act to incorporate the Sussex Zinc and Copper Mining and Manufacturing Company," approved February twenty-third, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Sussex Zinc and Copper Mining and Manufacturing Company be, and is hereby authorized to increase its capital stock to six hundred thousand dollars, to be divided into shares of twelve dollars and fifty cents each; and the said company is hereby authorized and empowered to lease, purchase, mortgage, Company authorized to increase their capital stock.

and hold mining rights and real estate in other counties of this state, besides the county of Sussex.

Elections for directors.

2. *And be it enacted*, That the election for directors of the said company may be held at such convenient place in this state, as the said corporation may, by their by-laws, from time to time determine.

When act to take effect.

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

Approved February 21, 1851.

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AN ACT to incorporate the Sussex and Warren Railroad Company.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Daniel Haines, Joseph E. Edsall, David Hynard, Samuel Fowler, Matthew H. Cooper, Samuel Whitaker, David Ryerson, Robert H. McCarter, John H. Hall, John I. Blair, Isaac Wildrick, Martin Ryerson, and Charles Roe, and such other persons as may be hereafter associated with them, and their successors, be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact, name, and law, by the name of "the Sussex and Warren Railroad Company."

Amount of capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and places, as they, or a majority of them, may deem proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in the counties of Sussex and Warren, and that the said books shall be kept

open as long as the said persons, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when a majority of the shares of the said capital stock shall have been subscribed for and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose eleven directors, a majority of whom shall be citizens and residents of this state; and such election shall be made by ballot, at the said time and place, 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 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 that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the 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.

Time and mode of annual election of directors.

5. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day when pursuant to this act it ought to be made, the said

Corporation not dissolved for failure to elect on day prescribed.

corporation shall not for that cause be deemed dissolved, but such election may be held at any subsequent time, upon notice given for that purpose; and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Instalments,
how paid.

6. *And be it enacted*, That seven directors of said corporation shall be a quorum of the board of directors, competent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company, by such instalments, and at such times as they may direct, and in case of the nonpayment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise; *provided*, that not over one-tenth of the capital stock be required to be paid in at one instalment, and such instalments be not required at shorter periods than forty days from each other.

Proviso.

Company au-
thorized to
lay out road.

7. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, commencing at any point or place in the line of division between the states of New York and New Jersey, through the county of Sussex, within three quarters of a mile of the court house at Newton, and through the county of Warren to the Delaware river, at or near the Water Gap, with power to construct a bridge or bridges across the said river, by and with the consent of the state of Pennsylvania, so as not to cause any obstruction or impediment to the free navigation of said river; and to join upon any other railroad or railroads, chartered or to be chartered, or incorporated, in this state, or in the state of New York or Pennsylvania, by and with the consent of the company or companies authorized to construct said road or roads; which railroad shall be constructed, not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents, and others in their employ, at all times, to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of such railroad, and of locating the same, and to do, make, and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined on, and a survey of such route deposited in the office of the secretary of this state, then it shall be lawful for the said company, by

its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, and occupy such lands and waters, and to excavate and erect embankments, build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion, and repair of said road, and to enter into any lands adjacent to or near the route of said road, and search for and take sand, gravel, and stone, necessary for the erection and repair thereof, subject to such compensation to the owners of such lands, waters, or materials as is herein after provided; *provided*,^{Proviso.} that so often as ten miles of the route of said road shall have been determined on, and a survey thereof deposited in the office of the secretary of state as aforesaid, it shall be lawful for said company to proceed, with respect to so much of said road, in the same manner as if the whole route of said road was determined on, and a survey thereof made and deposited as aforesaid; *provided further*,^{Proviso.} that payment, or tender of the payment, of all damages for the occupation of lands through which the said railroad may be laid out, be made before the said company, or any person in their employ, or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, or searching for sand, gravel, or stone, unless the consent of the owner or owners of such lands be first had and obtained; *and provided fur-*^{Proviso.} *ther*, that the main line of the said railroad shall be located and constructed within half a mile of the village of Deckertown, in said county of Sussex, or else the said company shall be required to construct a branch railroad from their main line, at or near the village of Hamburg, to within half a mile of the village of Deckertown; and unless the main line of the said railroad or the said branch railroad be constructed, as required in this proviso, then this charter shall be void; and in the location and construction of the said branch railroad, the said company shall have and possess the same rights, powers, and privileges, and be subject to the same limitations and restrictions, as is herein provided for the construction of the main line of their road; *and pro-*^{Proviso.} *vided further*, that the main line of said road shall run within one mile of the Franklin furnace, in said county of Sussex.

8. *And be it enacted*, That when the 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

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

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

terials, and of the right of the said owner or owners to recover the amount of said valuation and assessment, 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 until the same be paid, shall 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 justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he or they shall think equitable and right, which costs shall be paid by the said company.

9. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the said court shall have the power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said matter in controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next circuit court to be holden in the said county, in the same manner as other issues in fact are tried in said court, upon twenty days' notice of trial and six days' notice of the view being given by either party to the other; and upon such trial, it shall be the duty of the said jury to assess the value of the said lands or materials and damages sustained, by reason of the taking thereof as aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and deducted out of the said sum so found by the jury, or execution awarded therefor, as the court shall direct; *provided*, that such application for an issue shall not prevent the said company from taking and using the said land or materials upon the filing of the said report and tender of the sum awarded by the commissioners, and in case the land owner or owners shall refuse to receive the same,

Parties aggrieved may appeal.

Proviso.

then upon the same being first paid into the court of chancery.

Company to
construct
and repair
bridges.

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 said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass and re-pass the same; and also to build, maintain, and keep in repair legal and sufficient fences along the sides of the said railroad, where the same shall pass through or over any improved lands, or lands which may be improved, adjoining the same, when required so to do by the owner or owners of any such land.

Rates for
carriage and
transporta-
tion.

11. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place and use on any railroad constructed by them, all such machines, engines, carriages, wagons, or vehicles for the transportation of persons or property thereon, as they shall think proper and expedient, and to charge, take, and receive compensation for the transportation of persons or property on said road; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road which is usually weighed by the ton, or four cents per mile for carrying each passenger on said road, in the carriages of the company, when carried five miles or more, and when carried less than five miles, a sum in the whole not exceeding fifteen cents, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said road, in the carriages of others, and three cents per mile for each empty carriage; and the half of those rates for manures and fertilizing substances used for agricultural purposes; and the said railroad, and its appendages, and the lands 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 invested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Proviso.

Dividends to
be made.

12. *And be it enacted*, That the president and directors of the said company shall, within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof, among the stockholders as

they may deem prudent, and shall, in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, or their legal representatives, in proportion to the amount of stock held by them, respectively, as they may deem proper.

13. *And be it enacted*, That if any person or persons shall wilfully injure, destroy, or obstruct the use of any railroad constructed under the provisions of this act, by the said company, 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 of competent jurisdiction; and further, shall be liable for all damages sustained. Penalty for injuring works.

14. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, and other places along the same, not exceeding two acres at each place, and may erect and build thereon warehouses, machine shops, and such other buildings and improvements, as they may deem expedient for the safety of property, and the construction of carriages, and other necessary uses, and take and receive the rents, profits, and emoluments thereof; *provided*, that if it should be necessary to use stationary power on any part of the line of said railroad, and water power can be advantageously used therefor, then it may be lawful for said company to have and hold so much additional land and real estate as may be necessary and useful in constructing the same; and also to make the necessary embankments, reservoirs, aqueducts, and other works necessary to create such power thereon. What real estate may be held. Proviso.

15. *And be it enacted*, That the said road authorized by this act be, and the same is hereby declared to be a public highway, and shall be 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 the axle, as those used by the company, and shall be so regulated, as to the times of starting and speed of traveling, as not to interfere with the carriages of the company. Roads to be public highways. Proviso.

16. *And be it enacted*, That in case the said railroad shall not be commenced within two years, and completed within five years from the passage of this act, then and in that case this act shall be null and void; and that the president or treasurer of said company shall, within one year after the completion of said road, file in the office of the secretary of Annual statement to be made.

this state, under oath or affirmation, a statement of the whole cost and expenses of the said road and appendages, and annually thereafter a statement of the net proceeds thereof; and whenever the annual net proceeds of the said road shall amount to seven per centum per annum upon the cost of the said road, with the appendages, the said company shall pay to the treasurer of this state the one half of one per centum per annum on the said cost, to be paid on the first Monday in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

State may take road at appraisalment.

17. *And be it enacted*, That at any time within three years after the expiration of thirty-five years, from the completion of the said road, the legislature of this state shall have the privilege of taking the said road, with the appendages, upon the payment to the said company of the value of the same.

Certain officers to pass free.

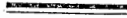
18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors, and the attorney general of this state, when travelling for the purpose of discharging the duties of their respective offices, and the members of both houses of the legislature of this state, during the annual or other sessions thereof, shall pass and repass on the railroad of the said company, in their cars, free of charge.

Company may issue bonds.

19. *And be it enacted*, That the said company shall have power, and are authorized to issue their bonds, and also to mortgage their real and personal estates, with their appurtenances, and the franchises, powers, privileges, and rights, which they may possess under this charter, to an amount not exceeding their capital stock, and upon such rate of interest and discount as they may deem expedient to negotiate the same, without invalidation thereof, by virtue of any statute against usury, for the purpose of raising moneys for the construction of the said railroad, authorized by this act, or for materials found, or work and labor done and performed, in the construction or repairing of the said road, or for the purpose of securing the payment of any lands, which the said company by this act are authorized to purchase or hold; and the said bonds and mortgages shall be taken and held in law and equity, as valid and binding, and the purchaser or purchasers under a decree or judgment at law or equity, upon any such bonds or mortgages, shall be invested with all the estates, rights, franchises, powers, and privileges which were conferred upon or possessed by the said company, under or by virtue of this charter, subject, nevertheless, to all the restrictions, conditions, and limitations contained therein.

20. *And be it enacted*, That this act shall be deemed and taken as a public act, and recognised as such, at all times, and in all courts and places whatever, and shall take effect immediately after the passage thereof. Public act.

Approved February 21, 1851.



A supplement to the act entitled, "An act to incorporate the city of Camden."

1. BE IT ENACTED *by the Senate and General Assembly* of the State of New Jersey, That at the annual election to be held in the city of Camden, on the second Tuesday of March next, there shall be chosen, in each of the wards of said city, from among the citizens residing therein, and entitled to vote at such election, six councilmen; and the result of such election shall be ascertained, and certificates of the result shall be filed and preserved, in the same manner, in every particular, as is prescribed in the act to which this is a supplement, for the election of councilmen. Election of councilmen.

2. *And be it enacted*, That the councilmen, so elected, shall hold an annual meeting in said city, on the Friday following the second Tuesday in March, yearly and every year, and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint, and shall meet at such place and such times as they themselves shall agree upon, or by ordinance appoint and fix, and, when met, shall have power to make and adopt such rules, regulations, and by-laws, for their own government, and the despatch of business, as they shall think proper, and, in general, to do and perform all such other acts and things as are provided for, and warranted by the act to which this is a supplement, not inconsistent with this act; *provided*, that no by-law or ordinance shall be passed, revoked, or repealed, without the concurrence of at least ten votes, which number shall be a majority, and constitute a quorum of said council. Councilmen to enact by-laws.

3. *And be it enacted*, That as soon as the city council, elected as aforesaid, shall meet after the first election to be held in pursuance of this act, they shall be divided by lot into three classes, so that each class shall consist of two Vacancies, how supplied.

councilmen from each ward. The seats of the councilmen of the first class, shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year, so that one class may be elected every year; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only, in which case it shall be necessary to designate, on the ballot, for which term the person voted for is intended, by adding, after the names of the persons intended to supply vacancies, the words "in place of," and the name of the person or persons whose place is to be supplied; and the statement of the result shall show which persons are elected to fill vacancies, and in whose place.

Election of president.

4. *And be it enacted*, That the said city council shall, at their annual meeting as aforesaid, in each and every year, elect from among themselves, a presiding officer, to be entitled "the president of the city council," who shall hold his office for one year and until his successor shall be appointed.

Election of marshal.

5. *And be it enacted*, That at every annual election to be hereafter held in said city as aforesaid, there shall be elected a marshal, to be voted for and elected at large, for the term of one year, in the same manner, and the statement of the result of such election, to be made out and laid before the city council, in the same manner, in every particular, as is provided for the election of the mayor of said city, in the act to which this is a supplement.

Time of closing and opening polls.

6. *And be it enacted*, That in all elections hereafter to be held in said city, for state, county, city, and ward officers, members of the house of representatives of the United States, and the electors of the president and vice president of the United States, the polls of such election shall be closed at eight o'clock in the evening.

Commissioners of deeds.

7. *And be it enacted*, That each ward of said city shall be entitled to three commissioners to take the acknowledgment and proof of deeds, to be appointed in the same manner, and for the same term, and to perform the same duties, be entitled to the same compensation, and be subject to the like penalties and restrictions, as if each ward of said city was constituted a separate township of the county of Camden.

Part of former act repealed.

8. *And be it enacted*, That all parts of the act entitled, "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty, as may conflict with this act, be, and the same are hereby repealed.

9. *And be it enacted*, That this act shall take effect on When act to take effect.
the tenth day of March next.

Approved February 21, 1851.

AN ACT to incorporate the Dolphin Manufacturing Company.

WHEREAS John T. Johnston and Robert L. Taylor have Preamble.
represented to this legislature, that they are the proprietors of an extensive hemp and flax mill, in the town of Paterson, which they are desirous of improving and increasing, and that it is necessary for them to interest ship owners and others in their business, and for the purpose of enabling them to do this, have prayed that the said John T. Johnston, Robert L. Taylor, and their associates, may be incorporated into a company, for the purpose of manufacturing flax, hemp, wool, cotton, and other articles, and dyeing, printing, and bleaching the same; and whereas the prayer of the said petitioners appears to be reasonable—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That the said John T. Johnston, Robert L. Taylor, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they hereby are constituted a body politic and corporate in this state, by the name and style of “the Dolphin Manufacturing Company,” for the sole purpose of manufacturing wool, cotton, flax, hemp, and other articles of a similar nature, and dyeing, printing, and bleaching the same.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted Time and mode of annual election of directors.
by five directors, being stockholders, one of whom to be the president, who shall hold their office one year from the first Tuesday of December in every year; and that the said directors shall be elected on the last Tuesday of November 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 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 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, as soon as may be after their elections, shall proceed in like manner to elect by ballot one out of their number to be president, and shall also at the same time elect a secretary to the company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, such vacancies or vacancy shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; and that the first directors shall be John T. Johnston, Robert L. Taylor, James B. Johnston, Charles A. Sherman, and John B. Meldrone, and shall hold their offices until the first Tuesday of December, one thousand eight hundred and fifty-one.

First directors.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, with power to increase the same to three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and it shall be lawful for the 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

requiring such payments, shall have been published for that time, in two or more public newspapers published in the county where such payments shall be required to be made, and if no newspaper be published in said county, then in the newspapers published nearest the place where such payment shall be required to be made, and also in one or more of the public newspapers printed in the city of New York.

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

Stock transferable.
Proviso.

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 be deemed for that cause 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 directors for the time being shall form a board for transacting the business of said corporation.

Majority of directors to form board.

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 said company.

Books of account to be kept.

8. *And be it enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Transfers to be registered

9. *And be it enacted*, That this act shall continue and be in force for a period of thirty years, and shall take effect immediately, and be subject to the restrictions, limitations, and conditions specified in an act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six; except as herein otherwise provided.

Limitation.

Passed February 26, 1851.

AN ACT to repeal part of an act entitled, "An act to incorporate the Boundbrook Mutual Fire Assurance Company."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act entitled, "An act to incorporate the Boundbrook Mutual Fire Assurance Company," passed February twenty-fourth, eighteen hundred and thirty-eight, be, and the same is hereby repealed.

When act to take effect.

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

Approved February 28, 1851.

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

Proceedings in case of application for jury to be struck.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever application shall be made to the supreme court, the circuit courts, and the courts of common pleas, respectively, in any civil action or suit, for an order for a jury to be struck, as provided in the fifteenth section of the act to which this is a supplement, the said order shall not be made, unless the court to whom the application is made, shall be satisfied, by affidavit or affidavits, that the nature and importance of the matter or matters in controversy, in such suit or action, renders it reasonable and proper that said order be made.

Part of former act repealed.

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

Approved February 28, 1851.

AN ACT to abolish the freehold qualification.

1. BE IT ENACTED *by the Senate and General Assembly* <sup>Public offi-
cers.</sup> *of the State of New Jersey,* That it shall not be necessary hereafter, for any person to possess a freehold, in order to qualify him to be elected to, and hold, occupy, possess, and enjoy any public office whatever, in any county or township in this state.

2. *And be it enacted,* That it shall not be necessary here- <sup>Grand juries,
petit juries,
and inquests</sup> after, in order to qualify any person to serve on any grand, petit, or other jury or inquest, convened under the authority of this state, that such person be a freeholder; and that all writs and processes hereafter to be issued in this state, under the authority of the state, for the purpose of convening or summoning any such jury or inquest, shall omit the words requiring a freehold qualification, any law, usage, or custom to the contrary notwithstanding.

Approved February 28, 1851.

A further supplement to an act entitled, "An act relative to insurance companies," approved April fifteenth, eighteen hundred and forty-six:

BE IT ENACTED *by the Senate and General Assembly* <sup>Bond to be
given to
treasurer of
fire depart-
ment.</sup> *of the State of New Jersey,* That the bond mentioned in the several sections of the act, to which this is a supplement, and therein required to be given to the collector of the county, shall hereafter be given by any person or persons residing within the city of Newark, and who may be required by said act to give such bond, to the treasurer for the time being of the fire department of the city of Newark, instead of the collector of the county of Essex; and that such bond shall in all respects conform to the provisions of the act to which this is a supplement, except as herein before stated; and that all the duties enjoined by said act upon the collector of the county of Essex, so far as the same relates to persons residing within the city of Newark, shall hereafter be performed by the treasurer for the time being of the fire department of the city of Newark.

Approved February 28, 1851.

AN ACT to prevent swine from running at large in the village of Glassboro', in the county of Gloucester.

Swine 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 or persons, residents of the village of Glassboro', to drive or convey to the public pound, any swine found running at large in the said village of Glassboro', within a circuit of three-fourths of a mile from the hotel, known as "Paul's Hotel," in said village, and impound the same; and the keeper of the pound is hereby authorized and required to receive all such swine, and the party shall have twenty-five cents for impounding each swine, and the keeper shall have the same fee for letting in and for letting out of the pound; and for impounding, feeding, and attending, five cents per head, for every twenty-four hours they shall continue in the pound; and if the owner or owners of the said swine, so impounded, shall not pay the charges aforesaid, within four days after such swine shall be impounded, and take said swine away, it shall then be the duty of said poundkeeper to set up advertisements in at least three of the most public places in said village, particularly 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 said swine 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 swine, and twenty-five cents for the sale of each swine, and collecting the money, and return the surplus to the owner of the swine; and if no owner 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, for the use of the poor.

Fees for impounding.

Sale.

Poundkeeper to be elected.

2. *And be it enacted*, That at the town meeting next ensuing, and annually thereafter, there shall be elected one poundkeeper, who shall reside within the bounds laid down by this act; and said poundkeeper shall cause to be prepared a suitable and safe pound, for the keeping of swine, at the expense of the township.

When act to take effect.

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

Approved February 28, 1851.

A supplement to the act entitled, "An act to incorporate the Bordentown Water Company," approved March first, eighteen hundred and forty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the persons named in the first section of the act to which this is a supplement, as commissioners to procure subscriptions for the stock of said company, shall and may open books for that purpose, at Bordentown, at any time after the passage of this act, having previously given ten days' public notice thereof, in five of the most public places of said town, and in one or more of the newspapers of the county of Burlington. Books to be opened at Bordentown.

2. *And be it enacted*, That the stock of said company shall consist of fifteen hundred shares, of ten dollars each; and whenever eight hundred shares thereof shall be subscribed, each stockholder paying at the time of subscribing one dollar for each and every share, the said commissioners shall call a meeting of the stockholders, in the manner and for the purposes prescribed in the second section of the act to which this is a supplement. Amount of capital stock.

3. *And be it enacted*, That the directors of said company shall be authorized, in their discretion, to lease out and rent, upon such terms and conditions as they may deem reasonable and just, any portion of steam or other power, which it may be necessary for said company to acquire, erect, or employ for the purposes of their incorporation. Directors authorized to lease out steam power, &c.

4. *And be it enacted*, That so much of the said act, to which this is a supplement, as comes within the purview hereof, is hereby repealed; and this act shall take effect immediately. Part of former act repealed.

Approved February 28, 1851.

AN ACT to prevent swine from running at large in the village of Rancocas, in the county of Burlington.

WHEREAS serious inconvenience is felt by the inhabitants of the village of Rancocas, in the county of Burlington, Preamble.

in consequence of the owners of swine, permitting them to run at large, and whereas no adequate remedy is provided by law—therefore,

Swine 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 that part of the townships of Willingborough and Westampton, that lies within the circuit of three-quarters of a mile from the Friend's meeting house, in the village of Rancocas, to drive or convey to any public pound, which may be in either township aforesaid, any swine found running at large in the public streets, highways, or otherwise within the bounds aforesaid, and impound the same; and the keeper or keepers of the public pounds in both said townships, is or are hereby required and authorized to receive such swine, and the party (or the poundkeeper, if the duty is performed by him,) shall have twenty-five cents per head for impounding each swine, and the keeper shall also have twenty-five cents for letting in and out of the pound, for each and every one, and for feeding and attending, five cents per head for every twenty-four hours they shall continue in said pound; and if the owner or owners of said swine, so impounded, shall not pay the charges of impounding and keeping, within four days after such swine shall be impounded, and take the same away, it shall then be the duty of the poundkeeper to set up advertisements in three of the most public places in said village, 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 to redeem the said swine before the time so notified, the said poundkeeper shall sell the same accordingly, and out of the moneys arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for pounding and keeping and feeding said swine; and twenty-five cents for advertising, sale, and collecting the money for each swine, and return the overplus to the owners of the swine, if they shall appear to claim the same; and if any owners, shall not appear, and claim such surplus, within six months after such sale, the same shall be paid to the overseer of the poor of the township wherein such swine were found running at large, as aforesaid.

Fees for impounding.

Sale.

When act to take effect.

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

Approved February 28, 1851.

A supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, 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 respective annual meetings, in the counties of Monmouth and Hunterdon, to elect, for each township in said county, but one chosen freeholder, instead of two, as now authorized by law. One chosen freeholder to be elected.

2. *And be it enacted*, That the persons qualified to vote at town meetings shall have full power and authority, and shall be required at their respective annual meetings, in the county of Monmouth, 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, as now authorized by law. Township committee.

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

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

Approved February 28, 1851.

AN ACT to confirm certain acknowledgments of deeds and other instruments taken by Nelson V. Young.

WHEREAS it appears to the legislature of the state of New Jersey, that Nelson V. Young, of Hunterdon, was duly Preamble.

appointed and commissioned one of the commissioners to take acknowledgments and proofs of deeds and other writings, in and for said county, on the ninth day of March, in the year of our Lord one thousand eight hundred and forty-eight, and was sworn into office March the fourteenth, of the same year, and did thereafter exercise the office of commissioner as aforesaid; and whereas it appears that there were two commissioners in the same township at that time, whose term of office had not expired; and whereas doubts have arisen as to the validity of the official acts of the said Nelson V. Young, under his said commission, it was therefore enacted by the Senate and General Assembly of the state of New Jersey, by an act approved February the twentieth, eighteen hundred and fifty, that all the official acts of the said Nelson V. Young be valid and effectual in law, to all intents and purposes; that the commission of the said Nelson V. Young, from and after the passage of the aforesaid act, should be void; and whereas, notwithstanding the aforesaid, the said Nelson V. Young continued to take acknowledgments and proofs of deeds and other writings until the twenty-eighth day of June of the same year—therefore,

Penalty for taking acknowledgments, unless authorized so to do

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said Nelson V. Young shall hereafter, unless lawfully appointed to some office, authorizing him to do so, take any acknowledgment or proof of any deed or other instrument of writing, he shall forfeit and pay, for every offence, fifty dollars, to be sued for and recovered by any person who will sue for the same.

Former acknowledgments made valid.

2. *And be it enacted*, That the several acknowledgments and proofs of deeds and other instruments, taken and certified by the said Nelson V. Young, as commissioner, from the twentieth day of February, eighteen hundred and fifty, to the twenty-eighth day of June, in the same year, 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.

When act to take effect.

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

Approved February 28, 1851.

AN ACT to authorize the inhabitants of school districts numbers three and four, in Belleville township, Essex county, to raise money to build school houses, and for the support of public schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of school districts numbers three and four, in the township of Belleville, in the county of Essex, said districts being known by the names of "Franklin" and "North Belleville," and included within the following boundaries, viz: on the east by Passaic river, on the south by property of John King, the poor house, property of John Francisco, and property of Abraham Van Winkle, all inclusive, on the west by Bloomfield and Belleville township line, on the north by Passaic and Essex county line, shall be, and the same are hereby authorized to raise money, for the purposes and in the manner herein after prescribed.

Inhabitants
of districts
authorized
to raise mo-
ney.

2. *And be it enacted*, That the trustees of the said school districts shall be nine in number, and shall be elected in manner following: the taxable inhabitants of the said districts shall, on the first Monday of April next, elect, by a plurality of votes, nine persons, who shall constitute the trustees for the said districts; and the said trustees shall, at their first meeting, divide themselves, by lot, into three classes; the office of the trustees of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that yearly and every year afterwards, on the first Monday of April, three trustees may and shall be elected; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancy shall be elected for the unexpired terms only.

Trustees,
how elected.

3. *And be it enacted*, That the trustees herein after elected in the said school districts, in pursuance of this act, and their successors in office, shall be, and are hereby constituted a body politic and corporate, by the name of "the Trustees of the Franklin and North Belleville School Districts;" and the trustees may, in their corporate name aforesaid, with the consent of a majority of the legal voters of said school districts, purchase and hold such real estate as may be necessary for the purpose of public school houses, not exceeding two acres, and may, with the consent of a majority of the legal voters of said school districts, sell, exchange, or mortgage the same, as may be most for the bene-

Trustees in-
corporated.

fit of said public schools, and may, from time to time, apply the money in the hands of the town superintendent, apportioned to said districts, for the erection of suitable school houses, and for the support of public schools therein.

Trustees to employ teachers.

4. *And be it enacted*, That the said trustees may employ one or more suitable teachers, and may, at their discretion, extend the benefit of the schools under their direction to children under the age of five, and over the age of sixteen years, under such regulations as they may prescribe; *provided*, that none but children between the ages of five and eighteen shall be reported to the town superintendent, so as to affect the apportionment of money for said districts; and the said trustees may from time to time make such regulations for the government of said schools, not inconsistent with the existing laws of this state, as they shall deem expedient.

Proviso.

Mode of raising money.

5. *And be it enacted*, That the legal voters of the said school districts shall, on the first Monday of April, as aforesaid, when met for the election of trustees, ascertain, by a majority of all the votes cast, how much money shall be raised by taxation, within the said school districts, for school purposes; *provided*, that such amount shall in no case exceed the sum of two thousand dollars annually; and it shall be the duty of the school trustees, elected as aforesaid, or a majority of them, to certify to the assessor of the township of Belleville the sum voted by the said districts to be raised; and the said assessors shall assess, on the estates of the inhabitants of the said school districts, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, all moneys voted to be raised by the legal voters of said school districts for the purposes aforesaid, which said assessments shall be levied and collected in the same manner that other township taxes are levied and collected; and the said school districts shall, notwithstanding this act, or any proceedings thereunder, be entitled to receive, as heretofore, their proportion of money raised under existing laws for school purposes in the township of Belleville.

Proviso.

Collector to pay money received to town superintendent.

6. *And be it enacted*, That it shall be the duty of the township collector of Belleville to pay the tax money which he shall have received under the direction of this act, to the town superintendent of public schools for the said township by the first day of February next ensuing, and in case of failure shall be liable to prosecution, in the same manner as provided in the twenty-fifth section of the act entitled, "An act concerning taxes;" and for the money so paid, the said superintendent shall give a receipt, which shall be

a sufficient voucher to exonerate and discharge the said township collector, to the amount therein named.

7. *And be it enacted*, That the said town superintendent shall pay over no moneys so placed in his hands, except upon the written order of the said trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money. Money to be drawn by order.

8. *And be it enacted*, That the said township collector, and the said town superintendent, shall each of them, before entering upon the duties assigned them by this act, give bonds to the trustees of said school district, in their corporate name, with such sureties and in such sums as the said trustees shall direct, conditioned for the faithful performance of all the duties herein required. Collector and superintendent to give bond.

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

Approved February 28, 1851..

A supplement to an act entitled, "An act to erect a part of the county of Monmouth into a new county, to be called the county of Ocean," approved February fifteenth, eighteen hundred and fifty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That until three judges of the inferior court of common pleas shall be duly appointed and commissioned, in and for the county of Ocean, any one or more judges of said court, for said county, shall be sufficient to constitute and hold the orphans' court, the court of common pleas, and the court of general quarter sessions, in and for said county; and shall also, with one justice of the supreme court, be sufficient to constitute and hold the court of oyer and terminer and general jail delivery in the same, any law of this state to the contrary notwithstanding. One judge may hold certain courts.

2. *And be it enacted*, That when there shall be three or more judges of the said court of common pleas, duly appointed and commissioned in said county, then a majority of the whole number in commission shall be sufficient to When three are appointed, a majority may hold courts.

constitute and hold the three first named courts, and with a justice of the supreme court, to constitute and hold the court last named in the preceding section.

Bonds of officers.

3. *And be it enacted*, That the official bonds of the present clerk, surrogate, and sheriff of the said county of Ocean be, and the same are hereby declared to be good, valid, and sufficient in law, and said officers duly qualified to discharge, severally, their official duties, notwithstanding said bonds have not been approved by the number of judges of the court of common pleas of said county, required by law to approve the same.

Oath of sheriff.

4. *And be it enacted*, That the official oath of the present sheriff of the said county of Ocean be deemed and taken to be valid and sufficient, to all intents and purposes whatever in law, though taken before only one judge of the court of common pleas of said county.

Congressional district.

5. *And be it enacted*, That the county of Ocean be, and the same is hereby attached to, and declared to be a part of the second congressional district.

Letters testamentary, of administration, or guardianship.

6. *And be it enacted*, That in all cases in which letters testamentary, or of administration, or guardianship, or other power or authority, hath or have been issued or granted to any executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, by the surrogate or orphans' court of Monmouth county, and in which such letters testamentary, or of administration, or guardianship, or other power or authority, should or might by law have been issued or granted by the surrogate or orphans' court of the county of Ocean, if the acts to which this is a supplement had gone into effect before the issuing or granting thereof, it shall and may be lawful for the said executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, to procure from the surrogate of the county of Monmouth true copies, duly certified under his hand and seal, of all orders, decrees, inventories, accounts, or other proceedings or papers recorded or filed in the office of such surrogate, and relating to, or made by such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and to file the same with the surrogate of the said county of Ocean; and thereupon the surrogate and orphans' court of the said county of Ocean shall have the same jurisdiction, power, and authority over or concerning such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, and be authorized and empowered to state, audit, settle, and allow his, her, or their

account or accounts, and to enforce and compel the due and faithful fulfilment and performance of his, her, or their duties and trusts, in the same manner, in all respects, as the surrogate or orphans' court of the county of Monmouth might or could have had or done, if this act had not been passed; and the making and rendering, and the neglect or failure to make and render, any inventory, statement, or account to the surrogate or orphans' court of the said county of Ocean, or to observe and perform any order or decree of the said orphans' court, shall have the same force and effect against such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and the survivors or survivor of them, and his, her, or their respective surety or sureties, and all other persons whomsoever, as the like making and rendering, or neglect or omission, in reference to the surrogate or orphans' court of the said county of Monmouth, would by law have had; *provided always*, that nothing in this act contained shall be so construed as to authorize and empower the orphans' court of the said county of Ocean to make any order or decree for the sale of any lands or real estate not situate within the said county. Proviso.

7. *And be it enacted*, That when any executor, administrator, or guardian, who was, or shall be appointed in the said county of Monmouth, before the acts to which this is a supplement, went or shall go into operation, shall die, cease to act, or for any other cause be disqualified, or whenever any letters of administration, guardianship, or letters testamentary shall be vacated, then and in such cases the surrogate or orphans' court of the county of Ocean is hereby authorized to issue new letters of administration, or letters of guardianship, or letters of administration cum testamento annexo, according to law, as the case may require; *provided*, the testator or intestate, at the time of his or her death, resided within the territory now composing, or which shall then compose the said county, or the estate of the ward or wards lies within the same; and that the surrogate and orphans' court of the said county of Ocean may proceed thereupon as if the said letters of administration, letters of guardianship, or letters testamentary had been originally issued by the surrogate of the said county of Ocean. Surrogate authorized to issue new letters of guardianship, in certain cases. Proviso.

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

Approved February 28, 1851.

AN ACT to incorporate the Pittstown and Barnsborough Turnpike Company.

Style of incorporation.

Commissioners to open books.

Amount of capital, and payment of instalments.

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 they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Pittstown and Barnsborough Turnpike Company;" and that Jacob Hitchner, Jephtha Hampton, Bergen Ayres, junior, Allen Garwood, Joseph Jones, Joseph Pinyard, James H. Trenchard, Charles Davis, Daniel B. Brown, John Johnson, Richard Skinner, Francis A. Campbell, Westley Beckett, 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 Constitution, a newspaper printed and published at Woodbury, in the county of Gloucester, and in the Salem Sunbeam, printed at Salem, in Salem county.

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 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 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 ten days' notice of the time and place of said meeting, in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, thirteen 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, thirteen 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.

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 trusts and duties as they may think expedient; and special meetings of the stockhold-

ers 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 statement of the affairs of the company during their said term.

Company authorized to construct 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; thence along the said main street through said village, and on or near the main stage road through Hardingville, in the county of Gloucester, to the village of Barnsborough, where the same intersects the turnpike road from Glassborough to the village of Carpenter's Landing; 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 railways 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; *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 deter-

Proviso.

mined, 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 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, gravel, sand, and clay, or other materials, therefrom, suitable for constructing and maintaining said road, as aforesaid; *provided* Proceedings in case owners and company cannot agree. *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 Gloucester, or if the premises, as specified aforesaid, shall be in the county of Salem, then 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, 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, Proviso.

or the hands and seals of a majority of them, to the clerk of the said county of Gloucester, or if in the county of Salem, then to the clerk of said county of Salem, 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 Gloucester; or if in the county of Salem, then the party so aggrieved as aforesaid 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 or courts, with at least five days' notice in writing to the opposite party, of such appeal, which appeal shall vest in the 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 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; 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 found or awarded, 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 said corporation 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 Gloucester, (or if in the county of Salem, 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 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 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.

9. *And be it enacted*, That, before the said company shall receive toll for travelling on said turnpike 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 the said stone or post is from Pittstown and Barnsborough ; 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 Penalty for injuring works. 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, turn-

piques, 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 the 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.

Penalty for illegal tolls or delaying travellers.

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.

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 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.

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 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 Gloucester, or if in Salem county, to any judge of the court of common pleas of the county of Salem, 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 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 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 boards of chosen freeholders of the respective counties of Salem and Gloucester 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 other public highways; 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.

Freeholders
may take
road, on pay-
ment of cost.

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 by this act, the president thereof shall file, under oath or affirmation, in the offices of the clerks of the respective counties of Salem and Gloucester, a full and perfect statement of the costs 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 ; *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.

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 is applicable.

Approved February 28, 1851.

AN ACT to incorporate the City of Cape Island.

Boundaries
of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Cape Island, lying and being in the county of Cape May, beginning at a point in the Atlantic ocean opposite the mouth of Cold spring inlet, as far southerly as the jurisdiction of the state extends, until opposite an inlet between Cape Island and the light house ; thence, following the several courses of said inlet or creek until its junction with Cape Island creek ; thence, following the several courses of said inlet or creek, down the main channel, to the place of beginning ; and all the freemen, citizens of this state, residing within the limits aforesaid be, and they are hereby ordained, constituted, and declared to be, from time to time and for ever hereafter, one body corporate and politic, in fact and in name, by the

name of "the City of Cape Island;" and that the said the City of Cape Island, and their successors shall, by virtue of this act, become and be absolutely and completely vested with, possess, and enjoy all the estate and property whatsoever, both real and personal, which at the time of the passing of this act are vested in or belong to "the Borough of Cape Island."

2. *And be it enacted*, That there be, and for ever City officers. hereafter shall be, in and for the said city, one recorder, who, besides his duties as recorder, shall, in case of death, absence, or disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty, and every of them, during such absence or other disability, one alderman, six councilmen, one city clerk, one treasurer, one marshal, one assessor, one collector, one judge of elections, one clerk of elections, two chosen freeholders, three commissioners of appeal, two constables, one overseer of the poor, two trustees of common schools, and one superintendent of common schools.

3. *And be it enacted*, That the mayor, recorder, alderman, and councilmen of the said city shall constitute the city council of the City of Cape Island, and shall hold an annual meeting in said city on the Saturday following the second Tuesday in March, yearly and every year, and such adjourned and special meetings as they shall see proper or shall by ordinance direct and appoint, and shall meet at such place and at such times as they themselves shall agree upon, or shall by ordinance appoint and fix; the mayor shall preside at the meetings of the city council, and shall have a casting vote only in cases where there shall be a tie; and if the mayor be absent at any meeting, then the recorder, or in the absence of both mayor and recorder, the alderman, shall preside pro tempore; and when met, shall have power to make and adopt such rules, regulations, and by-laws, for their own government and the despatch of business, as they shall think proper, and pass all such ordinances, by-laws, regulations, and rules as are herein after provided, and make all such appointments, and in general to do and perform all such other acts and things as are provided for and warranted by this act; *provided*, that no by-laws or ordinances shall be passed, amended, revoked, or repealed without the concurrence of at least five votes, which number shall constitute a quorum of the said council.

4. *And be it enacted*, That an election by ballot shall be Annual election for city officers. held annually, on the second Tuesday of March, in the said city, at such place as the city council shall appoint, of

which place the said city council shall cause public notice, either printed or written, to be set up in five public places in said city, at least one week previous to the day of such election, and in default of such notice, the election shall be held at the place where the last annual election was held; at which election one mayor, one recorder, one alderman, six councilmen, one treasurer, one marshal, one assessor, one collector, one judge of election, one clerk of election, two chosen freeholders, three judicious freeholders of good character to hear and finally determine all appeals relative to unjust assessments in case of taxation in said city, two constables, one overseer of the poor, two trustees of common schools, and one superintendent of common schools, shall be annually chosen in said city, from among the citizens residing therein, and entitled to vote at such election, which said several officers shall hold their respective offices for one year and until others shall be chosen and legally qualified in their stead; the poll of such election shall be opened at eight o'clock in the forenoon, and close at seven o'clock in the evening; the judge of elections, assessor, and collector shall be the judges of said election; and in case of the absence, death, or refusal to serve, of either of the said judges or of the clerk of election, such vacancy or vacancies shall be supplied, in the manner prescribed by law for supplying such vacancy or vacancies, at an election for state and county officers; the name of each elector voting at such elections shall be written in a poll list, to be kept at such election by the clerk; the officers of election shall take the same qualifications, be entitled to the like compensation, and the said election in all things conducted, continued, and concluded, as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state; and after the polls shall be closed, the said judges shall count the votes given for the several candidates, and make out and certify, under their hands, two certificates of the result, with the number of votes given for every person who shall be voted for, one of which certificates shall be filed and preserved by the clerk of the election, and the other enclosed, sealed, and directed to the city council of Cape Island, and within three days thereafter be delivered, sealed as aforesaid, to the city clerk, who shall lay the same before the city council, at their first annual meeting; and the city council, at their first annual meeting as aforesaid, when assembled, shall in a public manner proceed to open the same, and count the number of votes given for the respec-

tive candidates, and shall ascertain and declare who shall be elected, by the greatest number of votes, to the above mentioned several offices; and the number of votes each candidate received shall be entered upon the minutes of the said city council, and a certificate thereof shall be made and filed in the office of the city clerk.

5. *And be it enacted*, That in case a vacancy shall occur, either by a refusal to serve, death, removal, resignation, or from any other cause whatever, in any of the offices mentioned in the preceding section of this act, it shall and may be lawful for the city council to appoint others to fill such vacancies for the unexpired terms; and the person or persons so appointed to fill such vacancy or vacancies shall, during the said term, perform the like services, and be entitled to the same compensation, and subject to the like responsibilities and penalties, as if elected at the annual election as aforesaid; and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law within thirty days after any such election shall be held, or appointment made by the city council, the office to which he or they were elected or appointed shall be deemed vacant. Vacancies,
how supplied

6. *And be it enacted*, That the city council shall appoint some fit person, at their annual meeting each year, to be clerk of said city, who shall hold his office for the term of one year and until his successor shall be appointed; and the said city clerk, so appointed, shall be ex officio clerk of the city council; and the said city council shall have power, when assembled, from time to time to elect and appoint, and prescribe their duties, and under such regulations, conditions, and restrictions as they shall think proper, such other and all other subordinate officers of said city, as well such as are in this act named, and whose appointments or elections are not provided for, as those who are not named herein, and who may, in the opinion of the city council, be necessary for the better ordering and governing the said city, for the preservation of its health, or for the convenience, safety, and advantage of commerce and trade; *provided*, nothing herein contained shall be construed to prevent the city council from conferring the power on the mayor of the city to appoint the police officers and watchmen of the city; *and provided also*, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city, from among themselves. City clerk.

Proviso.

Proviso.

7. *And be it enacted*, That the assessor, collector, judge and clerk of election, commissioners of appeal in all cases of Duties and
powers of
officers.

taxation, the constables, the overseer of the poor, and the chosen freeholders elected in the said city, as aforesaid, shall, respectively, possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties, of the like officer of any township of the county of Cape May, to the same extent and in the same manner, in all respects, as if the said city was constituted a separate township of the county of Cape May, as far as such powers and duties shall be consistent with the provisions of this act; and that the members of the city council of said city, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

Officers to
take oath or
affirmation.

8. *And be it enacted*, That all the officers appointed under the authority of this act shall, before they severally take upon themselves the execution of their respective offices, take and subscribe an oath or affirmation, before the mayor, recorder, or alderman of said city, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, according to the best of their abilities and understanding; which said oath or affirmation, when so taken and subscribed, shall be filed and preserved by the clerk of said city, in his office.

Assessment
and collec-
tion of taxes.

9. *And be it enacted*, That the assessor of the said city shall assess upon the persons and property within the said city, and the collector of the said city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of the said city, and for the support of the schools of the city, in the same manner and within the same time as the assessors and collectors of the townships of the county of Cape May are or may be required to assess and collect the state and county taxes in their respective townships; and the commissioners of appeal in cases of taxation shall meet at such place in said city as the city council shall appoint; and in case the city council shall neglect to appoint a place, then they shall meet at the place where the last annual election was held, and on the same day, and upon the like notice given, as now is or hereafter shall be by law prescribed for the meeting of the like officers of any township of this state, and, when so met, shall have full power and authority to hear and determine all complaints of unjust taxation in said city, whether the same be assessed for the use of the state, county, city, or schools, in the same manner as

the like officers of the townships of this state are authorized and required to do.

10. *And be it enacted*, That all elections hereafter to be held in said city, for state and county officers, members of the house of representatives of the United States, and the electors of the president and vice president of the United States, shall be held in the said city, at the place therein appointed by the city council for holding elections, on the day which now is or hereafter may be designated for holding such elections, the polls to be opened and closed at the hours prescribed by the laws of this state; and the judge, assessor, and collector, before mentioned, shall preside at and conduct all such elections; and the clerk of elections of said city shall be clerk of such election; and the said judges and clerk of said elections shall take the same qualifications, and in all things conduct the said election according to the laws which now are or hereafter may be in force regulating and prescribing the mode of holding and conducting such elections. Mode of conducting elections.

11. *And be it enacted*, That the same notice in matters of election, that the clerk of the county of Cape May is required to give to the clerks of the townships, shall be given to the clerk of election of said city. Notice of election.

12. *And be it enacted*, That the treasurer of the city, and the collector and constables elected or appointed as aforesaid, before they enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to the city council, and shall severally execute their respective bonds to the City of Cape Island, in such sums and with such freeholders as security, as the city council shall prescribe, direct, and approve, conditioned for the true and faithful performance of all the duties of their offices respectively; the bonds of the constables shall be made to conform to the form prescribed by the first section of the act entitled, "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to the City of Cape Island; which said bonds, after the same shall be approved by the city council, shall be delivered to the clerk of the city, who is required and directed hereby to record and file the same in his office, and may be sued and prosecuted in the same manner as the bonds of the like officers of this state are or may be sued and prosecuted. Treasurer and collector to give bond.

13. *And be it enacted*, That it shall and may be lawful for the city council, or a majority of them, in city council Duties and powers of city council.

assembled, to pass such ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the streets, highways, and alleys of said city; for preventing the encumbering or obstructing the highways, streets, alleys, and sidewalks in said city, and preventing and removing all encroachments in or upon the same; and for preventing persons from riding, driving, or passing over or upon the sidewalks with beasts, wagons, carts, barrows, or carriages of any description; for preventing the immoderate driving or riding through or in any street, highway, or alley of said city; for preventing or regulating the running at large of cattle, horses, dogs, swine, sheep, goats, or geese, or imposing a reasonable tax on the owners or possessors of dogs; for abating or removing any nuisance in any street, alley, or any lot or lots, or enclosures, or other place or places in said city; and for causing common sewers or drains to be made, and granting permission to construct and regulate the construction or vaults in any part thereof; for grading, paving, flagging, curbing, gravelling, or Macadamizing the highways, streets, and alleys of said city, and the sidewalks thereof, or any of them, and for protecting shade or ornamental trees in said city; for protecting public or private property, or property belonging to the corporation; for providing for a supply of water for said city, and for lighting the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages, noisy, disorderly, or indecent conduct, and drunkenness, in any street, house, or place in said city; and for regulating, protecting, and improving the public grounds in said city; preserving aqueducts in said city, and sinking and regulating wells, pumps, and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires, and to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen; to pass ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimneys and licensing chimney sweeps, for appointing watchmen and police officers, and prescribing their powers and duties; for regulating petty grocers, keepers of ordinaries, victualing houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for regulating hawkers, pedlars, petty chapmen, and showmen within the said city; for restraining vagrants, mendicants, and street beggars; for regulating cartmen and cartage; for regulating the speed of locomotives and railroad cars within the limits of said city; for erecting, maintaining, and regulating one or more public markets in said city, and a city hall or town house, city prison or jail, together

with such other public buildings as may be necessary for said city; and the said city council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, for the prevention of forestalling and regrating, suppressing and restraining disorderly and gambling houses and grogeries, and such other by-laws and ordinances, not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good order, government, and prosperity of the said city, and the inhabitants thereof, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, by a fine or imprisonment, or both, the fine in no case to exceed two hundred dollars, or the imprisonment thirty days, a copy of which laws and ordinances shall be set up in five public places in said city for the space of three weeks.

14. *And be it enacted*, That the marshal, police officers, and constables of said city are hereby empowered to arrest and take into custody, without warrant, any offenders against the laws and ordinances of said city, or any person or persons disturbing the peace or quiet of said city, and to carry such offenders immediately before the mayor, recorder, or alderman of said city, who are hereby empowered to hold courts and take cognizance of such offences, which said courts, so held, shall be courts of record; or in case said arrest shall be made during the night, or upon the sabbath day, or when the mayor, recorder, or alderman, or either of them, cannot hear the same, or hold such courts, to confine such offender or offenders in the jail, or in some other safe and convenient place in said city, until the day following, or until such time as the same can be heard, and then, without unnecessary delay, carry such offender or offenders before the mayor, recorder, or alderman as aforesaid; or the mayor, recorder, or alderman of the said city may arrest and apprehend any such offenders for offences committed in their presence, or, upon complaint made in writing, under oath or affirmation, may issue a warrant, directed to the marshal or one of the constables, or one of the police officers of said city, or any or either of them, commanding such officer to take such offender or offenders, and bring him, her, or them forthwith before such person issuing said warrant; and when such offender or offenders shall be so arrested or brought before any such mayor, recorder, or alderman, as the case shall be, to proceed in a summary manner to hear and determine the same, and punish the offender or offenders; and if he, she, or they, as the case

Offenders
against laws
and ordinan-
ces of city.

may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant, commanding the officers aforesaid, or one of them, to convey such offender or offenders, as the case shall be, either to the city jail or to the jail of the county of Cape May, specifying in said warrant which one of the said jails, there to remain until the term of his, her, or their imprisonment shall have expired and the cost of conviction be paid; and in case the said offender or offenders shall be sentenced to pay a fine, then for the said mayor, recorder, or alderman, as the case shall be, either to order the offender or offenders to be committed to one of the jails as aforesaid, until the fine and costs be paid, or to issue a warrant, directed to the marshal or one of the constables, or one of the police officers of the said city, or to any or either of them, commanding said officer to levy and make such fine and costs of the goods and chattels of such offender or offenders, as the case may be, and for want of sufficient goods and chattels to take and convey such offender or offenders to one of the jails aforesaid, specifying to which one, there to remain until such fine and costs be paid or satisfied; which said fine, when paid or collected, shall be paid over unto the treasurer of the city, for the use of the said city, unless otherwise directed by the city council; *provided always*, that any such offender or offenders, convicted as aforesaid, may appeal to the city council, upon such terms and conditions as the said city council may by ordinance prescribe and impose, but such appeal shall be made within twenty days from such conviction.

Proviso.

Offenders,
where to be
imprisoned.

15. *And be it enacted*, That the jailor of the county of Cape May for the time being shall receive and safely keep all such offenders as shall be committed to the jail of the county of Cape May, by the mayor, recorder, or alderman of said city as aforesaid, for the time or term of his, her, or their imprisonment; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said city.

Book of re-
cords of or-
dinances to
be evidence
of passage.

16. *And be it enacted*, That the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage, by the city council, of all the ordinances and by-laws recorded therein; and further, that the publication, by authority of the city council, of their ordinances and by-laws in a volume or pamphlet form, shall in like manner be taken and received as evidence of the due passage thereof, and that the publication of the said ordinances and by-laws, in at least five public places in said city, according to law, shall in all

cases be presumed to have been made, until the contrary shall be made to appear.

17. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue the City of Cape Island shall be a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant, freeholder, or freeman of said city. Inhabitants not incompetent witnesses in trials where city is party.

18. *And be it enacted*, That it shall be lawful for the city council of said city, by ordinance, to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses of lighting the streets of said city; supporting a night watch therein; supplying the said city with water; for supporting the fire engine department; maintaining and supporting the poor; purchasing a lot or lots in said city, for the purpose of erecting market houses, city hall, jail, and such other public buildings as may be necessary and convenient for the said city; and it shall be lawful for the city council to borrow money, from time to time, in the corporate name of said city, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof, by bond, note, or other instrument of writing, under the common seal of the city and signature of the mayor, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of at least a majority of the city council; and there shall not be a greater sum than fifteen hundred dollars raised by loan in any one year, and that the said city shall not owe over three thousand dollars at any one time. City council may raise money by tax, &c. Proviso.

19. *And be it enacted*, That from and after the passage of this act, it shall be the duty of the assessor of the City of Cape Island, in assessing and raising the state, county, city, and school tax, which may be from time to time ordered to be raised in the said city, to estimate and rate all the lands, tenements, and real estate, lying and being in the said city, according to its value at the time of making the assessment; when the land is laid out in lots, valuing and rating it as so much per lot, but when the land has not been run out into lots, valuing and rating by the price per acre, as it then lies; and for the purpose of ascertaining what may be the true and real value of the different lots, tracts, and pieces of land and tenements, lying and being in the said city as aforesaid, the city council may appoint, from time to time, and as often as they shall think proper, one or more fit and judicious persons, residing in the said city, and acquainted Assessments, how made.

with the value of real estate therein, to accompany the assessor, to assist him to value and estimate the real estate as aforesaid; which said person or persons, so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair either to the mayor, recorder, or alderman of said city, who are hereby fully empowered to administer the same, and take and subscribe an oath or affirmation, truly, fairly, and impartially, and according to the best of his or their judgment and belief, to value and estimate the same.

Lands may
be sold for
payment of
tax.

20. *And be it enacted*, That it shall be the duty of the assessor and collector of the said city, to keep the amount of tax assessed against each lot or tract of land, belonging to any individual, separate and distinct from the other tax which may be assessed against his person or other property, and to make out and return the amount due on each lot or tract of land and premises, and the street or streets, alley or alleys, whereon the said lot, tract, or piece of land and premises is situated, with a short description of the same, and the owner or owners' name; and the taxes and assessments which shall be made upon any such real estate in said city, by virtue of this act, whether the same be state, county, city, or school tax, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage, or other encumbrances thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements, and real estate, or such part thereof as they may think proper, to be sold at public auction, for the shortest time for which any person or persons will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, including justices' and constables' fees, costs of advertising, selling, and executing the deeds, and to make and execute, under the seal of the said city, a declaration of such sale, and deliver the same to the purchaser or purchasers; and such purchaser or purchasers, his, her, or their executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his, her, or their own use, against the owner or owners thereof, and all persons claiming under him, her, or them, until his, her, or their said term shall be completed and ended; and shall be at liberty, at or before the end of his, her, or their term, to remove

the buildings and materials erected and placed by him, her, or them thereon, taking care to leave the same in as good order and condition as the said premises were when they came into his, her, or their possession.

21. *And be it enacted*, That the said city council, before they shall proceed to sell any lands, tenements, or real estate for the payment of taxes as aforesaid, shall cause advertisements to be put up in at least five public places in said city for the space of three weeks, which advertisements shall mention the street or streets on which said property is situate, the amount of tax due, and the owner or reputed owner's name; and the said lands, tenements, or real estate, so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money, with interest at the rate of six per centum per annum, to be computed from the day of sale, and all the expenses and charges necessarily incurred thereon by the purchaser or purchasers aforesaid; and in case the same shall be redeemed, as herein before provided, by the mortgagee or mortgagees, or if the said mortgagee or mortgagees shall have paid the said tax or assessment, with the interest and costs thereon, to prevent the said premises from being sold to pay the same, then and in that case the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner, in all respects, as if the same were included in, and intended to be secured by the said mortgage; and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or real estate, in assessing the taxes thereon, shall not invalidate the said assessment or the sale of real estate as aforesaid.

22. *And be it enacted*, That whenever, within said city, any tax shall remain unpaid, and be returned by the collector for want of payment, the same shall bear an interest at the rate of six per centum per annum, from the day on which the same shall be so returned, until paid; and it shall be the duty of the constable, or person authorized to collect and receive such tax, to charge, receive, and collect, in addition to the amount of tax, the interest thereon as aforesaid; and such interest shall be paid over and accounted for, by the officer or person receiving the same, to the said city, as part of the tax collected by him.

23. *And be it enacted*, That it shall be lawful for the city council of said city to pay unto the mayor of the city,

Advertisement to be made of property to be sold.

Interest to be charged to unpaid taxes.

Compensation to officers.

for his services as mayor, any sum not exceeding five hundred dollars per year; and to the treasurer, clerk, and all the other officers and agents of the said city, such compensation for their services as the city council shall deem reasonable and proper.

Grading and
paving st's,
&c.

24. *And be it enacted*, That the city council shall have exclusive control over all the highways, roads, streets, and alleys of said city, and shall have power to compel the owners of real estate in said city, or in such parts thereof as they by ordinance shall direct, to grade, pave, gravel, flag, and curb the sidewalks thereof, along and opposite to such owner or owners' property; and whenever a majority in value of the land holders along any said street or alley, or of any part of such street or alley, shall desire the same, or any part thereof, to be paved, gravelled, or otherwise permanently improved, the city council, on the petition of the said owners, may order and direct the same to be done, and may appoint one or more discreet and skilful persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations concerning the same, by enacting fines or penalties for not complying therewith.

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

25. *And be it enacted*, That in case any owner or owners of any real estate in said city, as aforesaid, shall refuse and neglect to comply with the ordinances in the last section above mentioned, and not grade, pave, gravel, flag, or curb the street, alley, or sidewalks thereof, or grade the same, as may be by said ordinance directed, and in the manner prescribed, for the space of sixty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done, and paid for out of any moneys in the hands of the treasurer of the city; and when so done, they shall cause a particular statement and account of the cost and expense of doing said work to be filed with the clerk of said city; and the costs or expenses of performing the said work as aforesaid, shall remain a lien upon the real estate as aforesaid, from the time of performing the said work until paid and satisfied; and the said city council may, at their option, sue for and recover the amount so paid as aforesaid, from the owner or owners of such real estate, or his or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case, in the name of "the Treasurer of the City of Cape Island," without specifying the individual name of the treasurer for the time being, for so much money by them paid, laid out, and expended to and for the use of such owner or owners,

or his or their legal representatives; and in every such action the said statement or account, filed as aforesaid, with the proof of the amount paid, shall be conclusive evidence for the plaintiff; or cause the said real estate, or such part thereof as they think proper, to be advertised and sold for the shortest period of time that any person or persons will purchase the same, and pay the said amount, with interest, and all the costs and expenses of publishing notice, advertising, selling, and making a deed; and when sold, to execute, under the seal of the city, a declaration of such sale to the purchaser or purchasers as aforesaid, in the same manner, and under the same regulations and restrictions, and with the like effect in all particulars, and with the same privileges to the owner or owners, the mortgagee or mortgagees, to redeem, as is enacted and provided for selling land and real estate for the payment of taxes due thereon by this act; *provided*, if any owner or owners of lots or real estate shall not reside in the city at the time when the said work is required to be done, then it shall be the duty of the city council, before they shall proceed to do, or have the same done, to cause a written notice to be sent to such owner or owners, or reputed owners thereof, setting forth the street whereon the property is situate, and that unless the said owner or owners shall comply with said ordinance, and perform the said work within sixty days from the date of said notice, the city council will cause the same to be done, at his, her, or their expense, as the case shall be; *provided* also, that nothing in this section contained shall be construed to affect any fines or penalties enacted for violating any such ordinance, in the last section above provided.

Proviso.

Proviso.

26. *And be it enacted*, That if the tenant of any lot, or house, or real estate whatever, within the said city, shall cause the street, alley, or sidewalks thereon in front of such property to be graded, paved, flagged, curbed, or gravelled, in obedience to such ordinance or regulation, at his or her individual expense, or shall pay the amount thereof, with the interest and costs that shall have accrued thereon, to the treasurer of said city, when the city council shall have performed the work as aforesaid, it shall and may be lawful for him or her to deduct the same out of the rent, or to sue for and recover the same from the landlord or owner, or his or her legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him or her paid, laid out, and expended, to and for his, her, or their use, as the case is; *provided*, that nothing in this section shall affect

Tenant may recover from landlord amount paid for paving, &c.

Proviso.

any contract or agreement made, or to be made, between landlord and tenant respecting such charges or expenses.

City council
may lay out
streets, &c.

27. *And be it enacted*, That it shall be lawful for the said city council to lay out and open any street, road, highway, or alley, already laid out in any part of said city, to be vacated, opened, altered, or widened, whenever they shall judge the public good requires the same to be done; and the said city council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent or legal representatives, of their intention to take such land or other real estate and appurtenances, and appropriate for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the city council cannot agree with such person or persons for the same, then it shall be lawful for the city council to appoint five disinterested freeholders of said city, commissioners to make an estimate and assessment of the damage that any such owner or owners will sustain by laying out, altering, or widening any such street, road, highway, or alley; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any grave yard, burying ground, or place used for burying the dead, for streets, roads, highways, or alleys, without the consent of all the owners or proprietors thereof.

Proviso.

Proceedings
in case land
taken be-
longs to non-
residents.

28. *And be it enacted*, That in case the owner or owners of any lands or real estate necessary to be taken for the laying out, opening, altering, or widening any street, road, highway, or alley in the said city shall be non compos mentis, or out of the state, or cannot be ascertained on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the city council of the said city to proceed to the appointment of the commissioners mentioned and provided for in the last preceding section of this act, after causing to be set up in five public places in said city, for the space of four weeks, a printed or written notice of the intention of the city council to take such land or real estate, and appropriate it to such road, street, highway, or alley.

Commission-
er to take
oath.

29. *And be enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor, recorder, or alderman of said city, to make the estimate and assessment

submitted to them fairly and impartially, according to the best of their skill and judgment.

30. *And be it enacted*, That the city council shall appoint a time and place, within the said city, for the said commissioners to meet, notice whereof shall be given by putting up an advertisement, in five public places in said city, at least twenty days before the time of meeting, which advertisement shall specify the street, road, highway, or alley proposed to be laid out, altered, or widened, the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes, and also cause a written notice to be served upon each of the owners who reside in said city, or whose place of residence is known, and if the place of residence of any such owner that is known be not in the City of Cape Island, then a notice placed in the post office, directed to him or her, at his or her place of residence, shall be a sufficient notice; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of the said city, and the same, being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purpose aforesaid; *provided however*, that any person or persons, conceiving himself, herself, or themselves aggrieved by the proceedings of the city council or of the said commissioners, may appeal therefrom to the circuit court of the county of Cape May, within thirty days from the time of making the final order of the city council; and the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

31. *And be it enacted*, That any appeal from the decision of commissioners, appointed under the twenty-seventh section of this act, shall be made in writing, and filed with the clerk of the circuit court of the county of Cape May; and notice in writing of such appeal shall be given to the city council within fifteen 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 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 an 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 shall be for a greater amount than was reported by the commissioners, costs shall be awarded against the said corporation; and if the verdict of the jury shall be for the same or a less amount than was reported by the commissioners, then the party appealing shall pay the costs of such appeal; *provided*, that the person or persons appealing, upon tender of the damages assessed by the commissioners, may receive the same, without being thereby debarred from his, her, or their appeal, as herein provided.

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Damages may be sued for in case of nonpayment.

32. *And be it enacted*, That in case of nonpayment, on demand of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the circuit court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the City of Cape Island, in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the commissioners and city council, or award of said jury, shall be conclusive evidence against the defendants.

City council may cause city to be surveyed.

33. *And be it enacted*, That the said city council shall have power, and may, from time to time, cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys, and public passage ways as have been dedicated to the public, as they shall think proper; and all such streets, roads, alleys, and ways, when surveyed, and such surveys approved by the city council, and filed, shall be deemed and taken to be public streets or highways, and be treated as such in all respects; also, to cause to be made, within said city, surveys and maps of the said city, or any part thereof, which has not yet been laid off or run out into streets, and to determine where the streets and thoroughfares shall run, and to mark the lines and establish the grades thereof; which said lines and grades, so established, and the surveys and maps made thereof, and approved by the city council, shall be binding upon the owner or owners of the said land or real estate so surveyed and mapped as aforesaid; and whenever the

owner or owners thereof see proper to open streets, and lay out his or their property in lots, he, she, or they shall open the streets and thoroughfares as they shall have been laid out, surveyed, and marked, and according to the lines and grades established as aforesaid; and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways, and shall be treated as such in all respects.

34. *And be it enacted*, That the city council of Cape Island, when assembled, by a majority of votes, shall have the sole and exclusive right and power of licensing and assessing every inn keeper and tavern keeper residing within said city, for such time or term as they may deem expedient, otherwise subject to the same restrictions and provisions, and in like manner in every particular, as the same is or may be lawfully done by the inferior court of common pleas in this state; and the said city council shall have the sole and exclusive power of licensing all interludes, farces, or plays of any kind, and all menageries or collections of beasts or animals, and all circuses or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said city; which said power of licensing, the said common council may by ordinance delegate to the mayor or alderman of the said city; and any such license may be granted on such terms, and under and subject to such limitations and restrictions, as the said common council may by ordinance prescribe; and all moneys which may be derived from granting any such license shall go to and for the use of said city; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited, within the city, any matter or thing herein before specified, without having first obtained such license as aforesaid, he, she, or they shall be proceeded against under and by virtue of the statute of this state entitled, "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, or under and by virtue of the act entitled, "An act to regulate the exhibitions of beasts or animals," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

35. *And be it enacted*, That it shall be the duty of the city treasurer, once in each year, to make out a statement of all moneys received and paid out during the year, showing the source from whence received and to what applied, the amount of indebtedness of the city, and the balance of funds, if any, in his hands; which statement shall be filed

License to
innkeepers,
circuses, &c.

Treasurer to
make annual
statement.

in the office of the clerk of the city, at least twenty days before the next annual election for city officers; and the city council shall cause copies of the same to be set up in five public places in the said city, at least two weeks previous to such election.

Mayor, recorder, and alderman to have powers of justices of the peace.

36. *And be it enacted*, That the mayor, recorder, and alderman of the said city, and each of them, shall have jurisdiction in all matters of a criminal nature, and in all matters of a civil nature, that the justices of the peace, or any of them, of the county of Cape May now have or hereafter may have, such jurisdiction to be limited within the bounds of the City of Cape Island, with full power to issue process, and to hear, try, and determine all suits at law of a civil nature, within the said bound, that are cognizable before any justice of the peace of the county of Cape May, including cases in attachment, in the same manner and with the like effect, in every particular, and under the same rules and regulations, as are now provided and enacted in cases before justices of the peace, or which may be hereafter provided and enacted.

School fund and surplus revenue.

37. *And be it enacted*, That the said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the interest on the surplus revenue apportioned to and received, or to be received, by the state of New Jersey, to be ascertained in the same manner as the proportion or quotas of the townships of this state now are or hereafter shall be ascertained; which said moneys shall be paid immediately over to the treasurer of the trustees of the common schools for the time being, and be applied to school purposes in said city.

Former act repealed.

38. *And be it enacted*, That the act entitled, "An act to incorporate Cape Island into a borough," passed March eighth, one thousand eight hundred and forty-eight, be, and the same is hereby repealed; *provided always*, that this repealing clause shall in no wise be construed to repeal any ordinance, by-law, or resolution, or any other legal act heretofore passed, made, or done by the officer of the borough of Cape Island, and not repugnant to this act, or to defeat, avoid, or discontinue any writ, precept, process, order, judgment, recognizance, or other proceedings of the present borough incorporation, but the same shall continue and be in force and executed under this act; *provided also*, that nothing contained in this act shall affect any bond or other security given by any constable, collector, treasurer, or other officer of said borough, but the same may be sued

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in the same manner, and with the like effect, as if this act had not been passed.

39. *And be it enacted*, That this act shall take effect on the tenth day of March next. When act to take effect.

Approved February 28, 1851.

AN ACT to incorporate the Port Mayo and New York Ferry Company.

WHEREAS it is represented to the legislature, by the petition of a number of the inhabitants of the borough and township of Elizabeth, and of the surrounding country, that the establishment of a public ferry from some point on the New Jersey shore, in the township of Elizabeth, between Elizabethtown creek and Thompson's (sometimes called Morse's) creek, and the city of New York, would greatly advance the interests and promote the prosperity of the petitioners, and of the inhabitants of the adjacent and surrounding country—therefore, Preamble.

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 Port Mayo and New York Ferry Company shall be opened by Francis B. Chetwood, James C. Fairbank, John H. Rolston, James F. Meeker, Reuben Van Pelt, Garret Green, John D. Norris, and Edward C. Mayo, or any three of them, who are hereby appointed commissioners to receive subscriptions to the said stock; which books of subscription shall be opened in the township of Elizabeth, at such times and places as they or a majority of them may direct, giving notice thereof, at least two weeks prior to the opening of said books, by publishing the same in some newspaper published in the place where such books may be opened. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, with liberty for the said company to increase the same to one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when five hundred shares Amount of capital stock.

shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Port Mayo and New York Ferry Company," and by that name shall be capable of purchasing, or otherwise receiving and become possessed of, holding, and conveying real and personal estate, necessary to the purposes of this corporation, the real estate not to exceed four acres.

Time and mode of payment of instalments.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid on each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, not exceeding five dollars at any one time, nor at less intervals than thirty days, and at such times and places, and to such person or persons, as the president and directors of the company shall from time to time direct, and give public notice thereof, in manner herein before directed, in relation to opening said books; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company, or institute suit for the recovery of the amount of the unpaid instalments; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than five shares of said stock shall be reduced by such apportionment.

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Act void unless stock is subscribed for in certain time.

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 one year 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 by them.

Election of directors.

5. *And be it enacted*, That when five hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least two weeks' 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, from among the stockholders, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and that 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, from among their number, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and that 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; *provided* Proviso. *nevertheless*, that no stockholder shall have more than ten votes, although he or she may have a greater number of shares.

6. *And be it enacted*, That within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall be a citizen of this state, and resident of the borough or township of Elizabeth, 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 said directors shall determine, and shall be the presiding officer at all meetings of the said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge of all elections of the stockholders; and in case of his death, absence, or inability so to do, the said directors, or a majority of them, shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed. Election of president, and his duties.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval of the annual elections, by death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident in the borough of Elizabeth, and all other officers, agents, superintendents, and persons 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 have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as Duties and powers of directors.

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 and laws of this state or of the United States.

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

Special meetings. 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 meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Corporation not dissolved for failure to elect on day prescribed. 10. *And be it enacted*, That if, for 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 for the preceding year shall continue to hold their respective offices, until others be elected in their stead, and that the charter shall not be defeated or avoided by reason of the irregularly or want of such election.

President and directors to select site. 11. *And be it enacted*, That it shall and may be lawful for the said president and directors to fix on a site or location for the ferry landing, for the use of the said Port Mayo and New York Ferry Company, on the New Jersey shore, in the township of Elizabeth, between Elizabethtown creek and Thompson's creek, of such extent on the said shore, and of such width, as said president and directors may deem sufficient to afford ample accommodation as a ferry landing, and on which to erect suitable buildings for the purposes of this incorporation; *provided*, that the said site or location shall not exceed an area of four acres of land.

To purchase lands. 12. *And be it enacted*, That when the site or location of the said ferry landing shall have been determined on by the said president and directors, or a majority of them, it

may be lawful for the said company to acquire title to the land necessary for their ferry landing, by purchasing the same privately from the owner or owners of said land.

13. *And be it enacted*, That, for the purpose of connecting the town of Elizabeth Port with the said ferry landing, it shall and may be lawful for the president and directors of the said company to cause to be built a suitable bridge across Elizabethtown creek, from the termination of South street, as laid down in the plan of said town of Elizabeth Port, to the opposite shore of said creek. Authorized to build bridge.

14. *And be it enacted*, That the said bridge shall be constructed with a draw, at least forty feet in width, so as to afford ample facility for the passage of the largest class of vessels that can navigate the said creek; and the said company shall at all times be bound to provide for opening the said draw, for the passage of vessels or boats, so that they shall not be subjected to unnecessary detention by reason of said bridge. Bridge to be constructed with draw.

15. *And be it enacted*, That the said company shall at all times keep the said bridge in good repair, and that it shall be used as a public highway, without any charge for such use by the public. Company to keep bridge in repair.

16. *And be it enacted*, That the said company shall erect, and at all times keep in good repair, a good and suitable dock or pier for the said ferry landing; and shall keep a good and safe ferry boat for the accommodation of the public, in the transportation of passengers, goods, chattels, and merchandise; and shall run their said ferry boat at least twice each day, Sundays excepted, from Elizabeth Port to New York, and back, unless prevented by ice or stress of weather; and that if the said company shall not have their ferry completed, so as to be in operation, as herein before provided for, within two years from the passage of this act, then and in that case this act shall be null and void. Shall erect dock, &c.

17. *And be it enacted*, That it shall and may be lawful for the said ferry company to charge and receive the following rates of transportation, and no more, to wit: Rates of toll.

For every wagon with two horses, and the driver thereof, one dollar.

For every wagon with one horse, and the driver thereof, fifty cents.

For every riding carriage with two horses, and the driver thereof, one dollar.

For any other description of vehicle with one horse, and the driver thereof, fifty cents.

For every horse, thirty-seven cents.

For every head of cattle, thirty-seven cents.
 For every calf, eighteen and three-quarter cents.
 For every sheep or hog, nine cents.
 For every passenger, twelve and a half cents.
 For every hogshead, twenty-five cents.
 For every barrel or tierce, twelve and a half cents.
 For every ton of iron or castings, seventy-five cents.
 For all other articles, not herein specified, such reasonable rates as may be established by the president and directors of the said company.

Public act.

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

Approved March 1, 1851.

Supplement to an act to authorize the governor of this state to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne, passed the twenty-seventh day of January, one thousand eight hundred and fourteen.

Preamble.

WHEREAS the bridge erected by the company, incorporated by the act to which this is a supplement, was carried away by a freshet, and entirely lost; and whereas the said company have since that time collected all their assets, and, being unable to rebuild said bridge, have made a distribution to and among the stockholders; and whereas the stock of said bridge is much scattered, and some of the stockholders cannot be consulted, and others of them are incapable of acting, and it is desirable that said bridge should be again erected—therefore,

New stock may be issued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said president, managers, and company be, and they are hereby authorized to issue new stock, to an amount sufficient to rebuild said bridge; *provided*, that in rebuilding said bridge, it shall be so constructed as not to interfere with, or impede the navigation of the river.

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2. *And be it enacted*, That when said new stock shall be subscribed, and such parts of it be paid as may be agreed

upon and be necessary, the said new stockholders shall be deemed to be the only stockholders of said bridge; *provided*, that said president, managers, and company shall give public notice, for at least one month, in one of the newspapers published in the county of Sussex, of the time and places where they will receive subscriptions for the said new stock; *and provided also*, that the present stockholders, or any of them, shall have a right to subscribe for the amount of stock now held by them, if they desire so to do, in preference to any other persons.

Present stockholders to have preference in subscribing.

Proviso.

3. *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, limitations, and conditions specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable thereto.

Restrictions.

Approved March 1, 1851.

A supplement to the act entitled, "An act for the maintenance of bastard children."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a bastard shall be born in any of the poorhouses of this state, or shall be removed thereto, before any proceedings have been had by virtue of the act to which this is a supplement, proceedings may be had and taken for the better relief of the board of chosen freeholders, or other authority or authorities having the direction and government of such poorhouse, upon the application of any officer of such poorhouse, or of the keeper thereof, in the same manner as by the said act may be had and done for the relief of the township in which a bastard is born.

Proceedings for relief of freeholders.

2. *And be it enacted*, That proceedings may be had and taken for the better relief of the township in which the legal settlement of any bastard may be, in the same manner as if such bastard had been born therein.

Relief of township.

Approved March 1, 1851.

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AN ACT to incorporate the Cape Island Turnpike Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard S. Ludlam, Jonas Miller, Edmund L. B. Wales, Joseph F. Leaming, David Reeves, Samuel S. Marcy, Eli B. Wales, Andrew H. Reeves, Ezekiel Stevens, Downs Edmunds, junior, Samuel F. Ware, Richard Thompson, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body corporate in law, by the name of "the Cape Island Turnpike Company."

Amount of
capital stock.

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

Commission-
ers to open
books.

3. *And be it enacted*, That Matthew Whilldin, Joseph F. Leaming, Samuel S. Marcy, Downs Edmunds, junior, Richard S. Ludlam, Jeremiah E. McCray, and Enoch Edmunds be, and are hereby appointed commissioners to receive subscriptions to the capital stock of said corporation; and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription within the county of Cape May, at such times and places as they, or a majority of them, shall appoint, giving twenty days' notice of such time and place, by advertisement set up in five public places in the county of Cape May; and at such times and places, so fixed, the said commissioners, or any two of them, shall attend and receive subscriptions to the said capital stock; 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 and 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.

Time and
mode of an-
nual election
of directors.

4. *And be it enacted*, That whenever there shall be five hundred shares of said stock subscribed, and one thousand two hundred and fifty dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, by advertisements set up in five public places in the county of Cape May, 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, thirteen directors, a majority of whom shall be citizens of the county of Cape May, who shall hold their offices for one year or until others shall be elected; 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 may own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote, and that such stockholders may vote by proxy duly authorized for that purpose.

5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect, out of their own body, a president, who shall be resident of the county of Cape May, and such other officers, who shall be residents of the said county, with such salaries as they may deem proper; and shall and may employ such artificers, engineers, agents, laborers, and workmen, with such compensation as shall appear to said directors reasonable and just; and shall and may make, ordain, and establish such by-laws and regulations, for their own government, and that of the persons by them employed, as shall from time to time be necessary to effectuate this charter; and a majority of the said board 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, by advertisements set up in five public places in the county of Cape May; and if any stockholder shall neglect or refuse, 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; and said board of directors shall and may require from the treasurer such security as to them shall seem just; *provided always*, that no by-laws or regulations of said company shall be inconsistent with, or repugnant to the constitution or laws of this state or of the United States.

Powers and duties of collector.

Proviso.

6. *And be it enacted*, That when the said board of directors are 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 the said capital stock, first deducting therefrom, all expenses which they have incurred for books, printing, or other expenses, and the sum of one dollar per day for each and every day they have been

Commissioners to pay over money to directors.

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; and such directors, so annually chosen, shall, in like manner, have power to elect their president and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this act herein provided, and shall and may have power, at all times, to remove their officers and other persons appointed, and to appoint others in their stead, if the interest of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen, by death, resignation, or otherwise.

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 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 have been chosen in their places.

Annual statement to be made.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called, by the order of the president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as herein before directed with regard to the election of directors, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Company authorized to construct road.

10. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, to commence at or near Cape Island bridge, and running from thence a straight course to a point on the Delaware bay shore, at or near the crane post, in the said county, at least fifty 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 gravel, plank, or other material; to make a solid, even, and firm 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, for the purpose of exploring, surveying, levelling, or laying out said road, doing no unnecessary injury to private property; and it shall and may be lawful for the said company, by its officers, agents, or other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such land, and to erect embankments and all other works 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 the lands through which the said road may 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; and shall make and keep in repair good and sufficient fences on both sides of said road, when it passes through improved land; and it shall be lawful for the said company, at any time, to drive piles and erect or build piers, wharves, platforms, or other works necessary for a safe and substantial steamboat landing, at the termination of the said road in the Delaware bay, and to have the liberty of erecting, at either terminus of said road, such buildings as may be necessary for the use and convenience of said company and travellers.

Proviso.

11. *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 one of the judges of the court of common pleas of the county of Cape May, who is

Proceedings in case owners of land and company cannot agree.

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, residents of said county, to assess the price or value of such land and all damages sustained, who shall be sworn before said judge, or any other officer duly authorized 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 judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county of Cape May, 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 of Cape May, 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 the 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 given, 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

Parties aggrieved may appeal.

possessed in fee simple of all such lands and real estate so appraised as aforesaid.

12. *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 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, three cents; for every additional beast, two cents; for every horse and rider, or led horse or mule, two cents; for every dozen of calves, sheep, or hogs, one cent; for every dozen of horses, mules, or cattle, four cents; and it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriage of pleasure or burthen, from passing through any of the said gates, until the toll, as above specified, has been paid for them respectively; *provided*, that it shall not be lawful for any carriage, stages, pleasure wagon, omnibus, or other vehicle, to carry on the said road, at any one time, more than nine passengers besides the driver; and any person offending against the provision of this proviso shall forfeit and pay for each offence, for the use of said company, the sum of five dollars, to be sued for and recovered in an action of debt, in the name of the treasurer of said company.

13. *And be it enacted*, That no tollgate shall be erected on such part of said road as is at present a public highway.

14. *And be it enacted*, That before the said company shall demand or 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 said road, and on such 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; 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.

15. *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 Cape May, in which said road lies, who may be disinterested, the said justice of the peace 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

Rates of toll.

Proviso.

Gates not to be erected on public highway.

Mile stones or posts to be erected.

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

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 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 person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above described, one or more respectable freeholders, in the township 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.

Penalty for
injuring
works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on said road; or shall wilfully cut, break down, destroy, or deface, or otherwise injure, any gate, turnpike, bridge, pier, wharf, 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, 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 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.

17. *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 hindered or defrauded. Penalty for illegal tolls or delaying travellers.

18. *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 direction, 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.

19. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times, in all courts and places whatever, be recognized as such, and shall be commenced within two years from the passage of this act. Public act.

20. *And be it enacted*, That this act shall take effect immediately, and continue in full force for the term of twenty 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; *provided*, that unless said road shall be completed and put in use within five years from the approval hereof, this act shall be void. Limitation. Proviso.

Approved March 1, 1851.

AN ACT to renew the charter of the New Brunswick Fire Insurance Company.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the New Brunswick Fire Insurance Company," passed December twenty-seventh, eighteen hundred and twenty-six, be, and the same is hereby continued and extended, for and during the term of twenty years, from and after the time by the said act limited for its continuance.

When act to take effect.

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

Approved March 1, 1851.

AN ACT to incorporate the Shamrock Benevolent Society of the city of Newark.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are and hereafter may become members of the Shamrock Benevolent Society of the city of Newark, shall be, and they are hereby constituted, appointed, and ordained a body politic and corporate, in name and in fact, by the name and style of "the Shamrock Benevolent Society of the city of Newark;" and that they and their successors and associates, by the name and style of the Shamrock Benevolent Society of the city of Newark, may and shall be capable in law, to have, hold, and use, possess, enjoy, purchase, sell, and dispose of any real or personal estate for the benefit of said society.

Election of officers.

2. *And be it enacted*, That, in order to carry the objects of said corporation into effect, there shall be one president, one vice president, one treasurer, and one secretary, who shall hold their respective offices for one year and until others are elected in their stead; and also eight stewards, who shall hold their respective offices for such length of

time as the said society, by their by-laws, may from time to time direct and deem proper, and until others are elected in their stead; and that such elections shall be by ballot, and at such time and places as the said society, by their by-laws, shall from time to time order and direct; and that all the aforesaid officers shall be elected by a majority of the votes of the members then present at such elections; and that in case any vacancy or vacancies, in either of said offices, shall at any time happen, by any cause whatsoever, such vacancy or vacancies shall and may be filled up, for the remainder of the time for which said officers were appointed, by a special election, for that purpose to be held, in the same manner as the aforesaid election, and at such times and places as by the by-laws of said corporation shall be provided for.

3. *And be it enacted*, That Patrick Sheehan shall be First officers the first president, that Charles A. Costello shall be the first vice president, that Bernard Galligan shall be the first treasurer, and John Cahill shall be the first secretary, who shall hold their respective offices until the second Monday in March, in the year of our Lord eighteen hundred and fifty-one, and until others are elected in their stead.

4. *And be it enacted*, That the said corporation, and their Powers of corporation. successors, shall and may, from time to time, enact and establish by-laws, alter and amend and abrogate the same, as they from time to time may deem proper, for the appointment of times and places for the election of officers, for the terms, conditions, and manner of the admission of members, and of the amount and sums every such member shall contribute and pay into the funds of said corporation, and of the time and manner of paying the same; and also, for the management, application, and disposition of the funds, estate, effects, and property of the said corporation, for the purpose of carrying the objects thereof into effect, for fixing the times and places of the meeting of the corporation, and the manner of conducting the proceedings thereof, and touching the conduct and duties of the officers, to demand and have, of and from the treasurer thereof, such security or securities, and in such sum or sums, as they from time to time deem necessary and proper, and for imposing any penalties for the breaking and violating any of the by-laws duly established, and also for such other matters and things as may appertain to the affairs, business, and purposes for which said corporation is by this act constituted, and for no other purposes whatsoever; *provided always*, that such Proviso. by-laws, and penalties imposed for the violation of them, or any of them, be not repugnant to the constitution and

Proviso. laws of the United States or of this state; *and provided also*, that the funds or property of said incorporation shall not at any time be applied or appropriated to any purpose or object other than those of a charitable and benevolent nature, and for the relief of their own members and their families.

Qualification for membership.

5. *And be it enacted*, That no person shall be admitted a member of this corporation, unless he be a citizen of the United States, or at the time of, or within three months after his admission, shall produce before said corporation a certificate from the proper officer, as designated by the act of congress of the United States in such cases made and provided, of his having declared his intention to become such citizen; and on failure thereof, such person shall not be considered or taken to be a member of said corporation; and whenever any member of said corporation shall violate and break any of the by-laws, as aforesaid provided for, and shall become liable to any penalty imposed by such by-laws, and neglect or refuse to pay the same, it shall and may be lawful, in any such case, for the said corporation to expel any such member from the said corporation, or to prosecute at law for said penalty; *provided always*, that any member of this corporation shall be at full liberty to withdraw himself therefrom at any time, on giving notice in writing of his intention to the president thereof for the time being, at any of the stated meetings of the same, first paying into the treasury of said corporation all arrears of contribution or fines from him due at the time of such notice; *and provided further*, that no member shall be expelled, unless at least two-thirds of the votes of all the members present, at one of the stated regular meetings of said corporation, approve thereof.

Proviso.

6. *And be it enacted*, That every member of said corporation withdrawing himself, or expelled from the same, shall thereafter be prevented from having or receiving any benefit, advantage, or interest whatsoever from and in the funds, property, or estate of the said corporation; and that all payments, contributions, and advances, made by any such member to the funds of the same, shall be forfeited, and belong to said corporation.

Proviso.

Withdrawal or expulsion of members.

7. *And be it enacted*, That this act shall be and remain in force and virtue for the term of twenty-one years from the passing of the same; *provided nevertheless*, that in case the said corporation shall at any time divert from, or appropriate their funds, or any part thereof, to any purpose or purposes other than those intended and contemplated by this act, or shall at any time pass any law or regulation respecting the rate of wages of any of the members, or the

Limitation.

Proviso.

business which any of them may or do follow, and shall be convicted thereof by due course of law, that then and from thenceforth the said corporation shall cease, determine, and be void, and the estate, both real and personal thereof, shall be forfeited to, and be vested in the state of New Jersey.

8. *And be it enacted*, That this act is hereby declared Public act. to be a public act, and that the same be, in all courts; construed favorably to the beneficial purposes herein contained, and shall take effect immediately.

Approved March 1, 1851.

AN ACT to incorporate the city of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly* Boundaries of city. of the State of New Jersey, That the inhabitants of the city of Burlington, contained within the following limits and boundaries, that is to say: beginning at a point in the middle of the Camden and Amboy railroad, one and a half miles westwardly from the intersection of Broad and High streets; thence (1) extending southwardly, on a line at right angles with said railroad, one mile; thence (2) eastwardly, on a line to strike the southwest corner of Mill street and Mount Holly road; thence (3) still eastwardly, to a point one mile southwardly of said railroad; thence (4) northwardly, on a line parallel to the most westwardly line hereof, crossing said railroad, one and a quarter miles eastwardly of said Broad and High streets, to the river Delaware; thence (5) westwardly, down the said river, the several courses thereof, about two and three-quarter miles, more or less, to a point intersecting the first mentioned, or most westwardly line hereof; thence (6) southwardly, to the first mentioned corner and place of beginning; and also including the whole of the Matinicum or Burlington island, be, and they and their successors for ever, are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name, style, and title of "the Inhabitants of the city of Burlington."

2. *And be it enacted*, That the said the inhabitants of the city of Burlington, and their successors, shall, by this act become, and they are hereby declared to be absolutely Inhabitants incorporated

and completely vested with all the lands, tenements, hereditaments, liberties, franchises, properties, rights, causes of action, and estate whatsoever, both in law and in equity, which, at the time of passing this act, are vested in or belong to the city of Burlington, as now incorporated, by the name of "the Mayor, Recorder, Aldermen, and Commonalty of the City of Burlington."

Officers of city.

3. *And be it enacted*, That hereafter there shall be chosen in said city, from among the citizens thereof, one mayor, who shall be keeper of the city seal, three aldermen, eleven members of common council, one clerk, one assessor, one collector, one treasurer, two or more constables, one street commissioner, three commissioners of appeal, and such and so many subordinate officers, as the said common council may deem necessary to appoint, for their own organization, or for the convenience and well being of the city.

Time and mode of annual election

4. *And be it enacted*, That the annual election, in and for said city, shall be held on the third Tuesday of March, of each and every year, and at such place as the common council of said city shall direct and appoint, of which time and place the clerk of said city shall cause public notice to be given by advertisement, to be set up in at least five public places in said city, and be published in a newspaper printed therein, at least ten days previous to the day of such election.

Mayor and aldermen to be justices of the peace.

5. *And be it enacted*, That the mayor and aldermen of said city shall be justices of the peace, ex officio, within the said city, for all purposes contemplated by this act, and shall be elected by the legal voters of said city, the mayor for three years, and the aldermen for three years, to be commissioned by the governor, in the same manner as the justices of the peace throughout the state are commissioned, so far as may be in accordance with this act, and be amenable in like manner, and shall severally and respectively have all the power and authority of the said justices of the peace; *provided however*, that the said mayor and aldermen shall not, by virtue of their said offices, be authorized to try any civil action, except such as may arise under any ordinance or by-law, for the recovery of a penalty, fine, or assessment for taxes or damages.

Proviso.

Who to be entitled to vote.

6. *And be it enacted*, That all persons residing in said city, entitled to vote, by the constitution of this state, at elections by the people, shall be entitled to vote at said election, and the said citizens, so entitled to vote, shall be

capable of holding any office created by this act of incorporation.

7. *And be it enacted*, That at the first election of officers under this act, which shall be held on the third Tuesday of the coming March, and annually thereafter, there shall be chosen in said city, by the legal voters thereof, from among the citizens of the same, one mayor, to serve three years; three aldermen, to serve three years; which said aldermen shall meet within three days after their first election, and divide themselves into three classes by lot; the seat of the first class shall be vacated at the expiration of the first year, of the second class, at the expiration of the second year, and of the third class, at the expiration of the third year, so that one alderman shall be chosen at each and every annual election thereafter, to take the place of the one whose term of service shall then expire; and eleven members of common council to serve one year; and, in addition to the above named officers, there shall be chosen, at the said election for city officers, and at each annual election thereafter, one clerk, one street commissioner, one assessor, one collector, one treasurer, one judge of election, three commissioners of appeal, and two or more constables.

8. *And be it enacted*, That the poll of each election shall be opened at ten o'clock in the forenoon, and closed at six o'clock in the afternoon; that the judge of election, assessor, and collector shall be the judges of said election; and in case of the absence, death, disability, or refusal to serve of any of the judges, such vacancy shall be supplied in the manner prescribed by the eleventh section of this act; that the name of each voter at such election shall be written in a poll list, to be kept by the city clerk; that, in all other respects, the said election, and the officers thereof, shall be subject to such regulations as the common council shall or may, by ordinance, prescribe.

9. *And be it enacted*, That the persons elected for members of the common council, or a majority of them, shall have the power, from time to time, and at all times hereafter, to hold a common council within said city, at such time and place as is now appointed, or may hereafter be appointed, by the ordinances of the said common council; to meet upon their own adjournments, and to call special meetings by request of any three members of said council in writing, addressed to the clerk of the said council, or by order of the president or chairman of said council for the time being; and that the whole legislative power of the corporation of the said city shall be exclusively vested in the said common council; *provided*, that no ordinance or

Officers to be
chosen at an-
nual election

Mode of con-
ducting elec-
tions.

Legislative
power of
corporation
vested in
common
council.

Proviso.

by-law shall be at any time enacted or passed, altered or repealed, except by a concurrence of at least six members of said common council.

Officers to take oath or affirmation.

10. *And be it enacted*, That the mayor of said city shall, before he enters upon the duties of his office, take and subscribe, before a judge of the court of common pleas of the county of Burlington, or any officer authorized to administer the same, an oath or affirmation, that he will faithfully and justly perform all the duties of said office to the best of his ability, and likewise that he will bear true faith and allegiance to the state; and that the aldermen, members of the common council, clerk, treasurer, and street commissioner, assessor, collector, judge of election, commissioners of appeal, and constables, appointed or elected by virtue of this act, shall, before they enter upon their respective duties, take and subscribe, before the said mayor, who is hereby authorized to administer the same, the like oaths or affirmations; and it shall be the duty of the said clerk to file and preserve the said oaths and affirmations in his office.

Vacancies, how supplied.

11. *And be it enacted*, That in case of a vacancy happening in any office created by this act, by death, resignation, removal, or otherwise, it shall be filled by the said common council at their next meeting thereafter, and the said appointment shall continue till the next annual election, and no longer; *provided*, that if any vacancy or vacancies happen in the judges of election, on the day of election, from any cause whatever, the lawful voters present shall elect, viva voce, a person or persons to supply such vacancy or vacancies.

Proviso.

Treasurer, &c., to give bond.

12. *And be it enacted*, That the treasurer, collector, and constables of said city, before they enter upon their respective offices, shall each execute a bond to the inhabitants of the city of Burlington, conditioned for the true and faithful performance of all the duties of their said offices, in such sum, and with such security, as the common council shall approve and direct.

Duties and powers of officers.

13. *And be it enacted*, That the clerk, judge of election, assessor, collector, constables, and commissioners of appeal, shall respectively possess the power and perform the duties of like officers in any township of this state, so far as shall be consistent with the provisions of this act; and in addition thereto, the said clerk shall attend all meetings of the common council of said city, and keep accurate minutes of their proceedings, and insert the same in a book to be provided for that purpose, and shall do and perform all such

other duties as the said common council may from time to time prescribe; and the power and duties of the treasurer and street commissioner, if not otherwise provided for in this act, shall be those enjoined by the ordinances in force at the time of the passing of this act, and until otherwise ordained and prescribed by the said common council.

14. *And be it enacted*, That it shall be the duty of the treasurer of the said city, to receive and pay out all moneys belonging to the said city, under the direction and authority of the said common council; to make out annually and publish in handbills, or in a newspaper printed in said city, a full and true statement of all moneys received into the treasury, from tax, loan, or otherwise, and of the disbursement of the same; and said annual statement shall include one year's receipts and disbursements, beginning on the second Tuesday in March; and said statement shall be published at least four days before each and every annual election.

Treasurer to
make annual
statement.

15. *And be it enacted*, That it shall and may be lawful for the common council of said city to pass such ordinance, ordinances, or by-laws, as to them shall seem meet and necessary, for regulating, cleansing, and keeping in repair the streets, highways, bridges, wharves, docks, alleys, and slips in said city, and for preventing all obstructions in the river Delaware, near or opposite to such wharves, docks, and slips; for regulating burying grounds, and to prevent the making of new ones without their consent; for preventing or removing all obstructions, encroachments, encumbrances, and nuisances, or any of them, from the streets, pavements, sidewalks, roads, highways, enclosures, alleys, lots, wharves, docks, landings, or slips, in the said city; for preventing persons from riding, driving, or passing over or upon the sidewalks with horses, mules, or oxen, or with wagons, carts, or carriages, of any description; for ascertaining and establishing the boundaries of all streets, alleys, and lots in said city; for preventing or removing all encroachments in or upon any of the said streets, alleys, or lots; for preventing or removing all obstructions, impediments, encumbrances, or nuisances, on any street or streets, caused by any railroad company or companies, or their agents; for erecting, altering, or repairing public school houses, and purchasing or procuring sites for the same; for regulating the rates of wharfage, stallage, and market charges; for paving, flagging, curbing, and graveling the streets, sidewalks and alleys; for erecting lamps, and repairing and lighting the same; for preventing or regulating the running at large of horses, swine, geese, dogs, and cattle; for pre-

Duties and
powers of
city council.

venting the immoderate riding or driving through or upon any street, sidewalk, or alley; for preventing or suppressing any riots, routs, disturbances, breaches of the peace, or disorderly assemblages, in any street, house, or place in said city; for sinking and regulating wells, and erecting and regulating pumps in the streets, and other public places in said city; for the prevention and suppression of fires, and the purloining or taking of goods at the same; for regulating the keeping of gunpowder and other combustible or dangerous materials; for cleaning of chimneys, and regulating the same; for appointing watchmen, special constables, and other subordinate officers, and prescribing their powers and duties; for regulating weights and measures; for regulating the sale or vending of all meats, vegetables, and fruits; for establishing and regulating one or more public pounds; for restraining or punishing vagrants, mendicants, street beggars, and drunkards; for regulating the police; for erecting, repairing, and regulating a public market place, town hall, or town house, and a city jail or prison; for assessing and collecting taxes, and for borrowing money; for preserving peace and good order; for preventing or suppressing all gaming and disorderly houses; for regulating or preventing the carrying on of any trade, business, or manufacture likely to promote or cause fires, or to endanger the health or well being of the inhabitants of said city; for laying down iron, lead, glass, wood, or other pipes to convey water, gas, or other materials in the streets, sidewalks, highways, and alleys of the said city, and for regulating the same; for the protection of trees in the streets and public places; for regulating the sale of cord wood; for regulating cartmen and cartage; for the suppression and punishment of vice and immorality; for regulating fire engine and hose companies; for regulating and conducting elections in said city; for licensing taverns; for regulating the charges, fees, or rates of porters, hackmen, and cartmen; and said common council shall or may enact or pass such, and so many other ordinances or by-laws, for the peace, good government, order, well being, and convenience of the said city, as they may deem necessary, proper, and expedient, not repugnant to this act, or to the constitution of this state or of the United States.

Penalties for offences against ordinances, &c.

16. *And be it enacted*, That the common council of said city shall and may make and impose fines and penalties, against all persons who shall offend against the by-laws and ordinances of the said common council; and the said mayor, or any one of the said aldermen, is hereby constituted a court of record, to take cognizance of all offences

against such by-laws and ordinances, and punish all offenders against the same, by fine, not exceeding fifty dollars, or imprisonment, not exceeding thirty days in the jail of said city, or both fine and imprisonment, together with the costs of conviction; and it shall and may be lawful for the said mayor, or any one of the said aldermen, upon complaint made on oath, of an offence committed against the said by-laws and ordinances, and on conviction thereof, to issue his warrant to any constable of said city, commanding him, in case any offender or offenders be sentenced to imprisonment, to convey him to the jail aforesaid, there to remain until the term of imprisonment shall have expired, and the costs of conviction shall be paid; and in case the offender or offenders shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor, or any one of the said aldermen before whom such conviction may be had, to issue an execution to any constable of said city, commanding him to levy and make such fine and the costs of the goods and chattels of the offender or offenders, and, for want of sufficient goods and chattels, to take and convey such offender or offenders to the jail aforesaid, there to remain until such fine and costs shall be paid; and the said constable is hereby required to execute the process aforesaid.

17. *And be it enacted*, That every ordinance, by-law, ^{Ordinances to be published.} or supplement thereto, enacted or passed by and under the authority of this act of incorporation, shall be signed by the mayor, attested by the clerk of the said city, and published in handbills, or in a public newspaper printed in said city, at least fifteen days before the same shall go into operation; and it is hereby made the duty of the said clerk to perform the service enjoined by this section without any delay.

18. *And be it enacted*, That all actions to be brought ^{Actions, how brought.} under and by virtue of this act, may be brought and prosecuted in the name of "the Treasurer of the city of Burlington," without specifying the individual name of the treasurer of the said city for the time being; and the book of records of the ordinances and by-laws of the common council, shall be taken and received as evidences of the due passage, by said common council, of all ordinances and by-laws recorded therein; and the publication, by the authority of the said common council, of their ordinances and by-laws, in a volume or pamphlet, shall, in like manner, be taken and received as evidence of the due passage thereof; and the publication of the said ordinances and by-laws in

the public newspapers, shall be presumed to have been made, until the contrary be proved.

Offenders against ordinances may be imprisoned.

19. *And be it enacted*, That it shall and may be lawful for the mayor and aldermen of said city, or any one of them, to commit any person or persons, offender or offenders, who by any ordinance or ordinances they, or any of them, are authorized to imprison, to the jail or prison of the said city; and the keeper of the said city jail is hereby authorized and required to receive such person or persons committed, and him, her, or them to keep in close and safe custody, until thence discharged by due course of law.

Mayor, recorder, and aldermen to have powers of justices of the peace.

20. *And be it enacted*, That the mayor and aldermen of the said city shall be, *ex officio*, conservators of the peace within the limits of the said city, and for this purpose they, or any of them, shall have authority, on complaint made to them; or any one of them, on oath or affirmation, to cause any and all person or persons to be brought before them, or any of them, for any breach of the peace or violation of any law of this state, committed within the said city, or for disturbing the public tranquillity in the said city; and upon such offender or offenders being brought before them, or any one of them, they shall possess all the power and authority that is by law vested in justices of the peace of the several counties of this state, in like cases, and shall require such offender or offenders to enter into recognisance, or commit to the jail of the county of Burlington, to answer to the charge before the proper county court; and the constables of said city shall be ministerial officers, and shall execute all and every process issued by the said mayor and aldermen, or any one of them, in pursuance of the authority hereby conferred; and the writs and processes issued as aforesaid, shall be of the same legal force and obligation on the keeper of the county jail, and all others concerned, as if the same were issued by a justice of the peace in and for the county of Burlington.

Common council may license circuses and other shows.

21. *And be it enacted*, That the common council of said city shall have the sole and exclusive power of licensing all interludes, farces, or plays, of any kind, and all menageries or collections of beasts or animals, and all circuses or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said city; which said power of licensing, the said common council may, by ordinance, delegate to the mayor or any one of the aldermen of the said city; and any such license may be granted on such terms, and under and subject to such limitations and restrictions, as the said common council may, by ordinance, prescribe; and all moneys which may be derived

from granting any such license shall go to and for the use of the said city; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited, within the city, any matter or thing herein before specified, without having first obtained such license as aforesaid, he, she, or they shall be proceeded against under and by virtue of the statute of this state, entitled, "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, or under and by virtue of the act entitled, "An act to regulate the exhibitions of beasts or animals," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

22. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the inhabitants of the city of Burlington are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant of the said city; and that if any person shall be sued or impleaded, by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Inhabitants not incompetent witnesses in trials where city is party.

23. *And be it enacted*, That it shall be the duty of the constables of the said city to execute and return all precepts, summonses, warrants, writs, and other process, to be issued by the said mayor and aldermen, or any one of them, and to the said constables, or any of them, directed and delivered; and also to do, execute, and perform all duties, matters, acts, and things which, by the act entitled, "An act constituting courts for the trial of small causes," and the acts supplementary thereto, the constables of the several townships are required to do, execute, and perform; and the said constables shall be liable to the same actions, recoveries, pains, penalties, and forfeitures, for neglect of duty and misconduct in office, to which the constables of the several townships of this state are subject and liable.

Duties of constables.

24. *And be it enacted*, That the common council shall have power, from time to time, or at any time hereafter, by ordinance or resolution, to grant or allow such fees or compensation to the several officers of said city as to the said council shall seem necessary and convenient.

Compensation to officers.

25. *And be it enacted*, That the common council shall have the sole, only, and exclusive right and power of licensing and assessing every inn keeper or tavern keeper within

License to innkeepers.

the said city, subject to the same provisions, and in like manner as the same is or may be lawfully done by the county courts in this state.

Assessment
and collec-
tion of taxes.

26. *And be it enacted,* That the city assessor shall assess taxes upon persons and property within the said city, between the twentieth day of March and the twentieth day of May, annually; and the city collector shall collect the same, between the fifteenth day of June and the first day of August, annually, for the exclusive use of said city, in the same manner as the assessors and collectors of townships are or may be required by law to assess and collect; and in case of the nonpayment of taxes, the said collector shall return, on the first day of August, annually, the names of all delinquents, with the sums due from them, respectively, and to such city magistrate as the said common council shall by ordinance direct; and the said magistrate shall thereupon issue his warrant or warrants to the city constables, or any one of them, or such other person as the said common council shall for that purpose nominate and appoint; *provided,* that in making said assessment, regard shall be had as well to the value as to the rents of all real estate in said city; and the commissioners of appeal in cases of taxation shall meet at such time and place, and upon such notice, as the said common council shall direct and appoint, and when so met shall have full power and authority to hear and determine all complaints of unjust taxation.

Proviso.

Common
council au-
thorized to
borrow mo-
ney.

27. *And be it enacted,* That it shall and may be lawful for the common council of said city, to order and cause to be assessed and raised by tax, from year to year, such sum or sums of money, not exceeding the sum of two thousand dollars, as they shall deem expedient, for the current and occasional expenses of said city, and for all other objects and purposes authorized by this act, to be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes; which taxes, when collected, shall be paid into the hands of the treasurer of said city, and be subject to the order of the said common council; and it shall also be lawful for the said common council, in the name and on behalf of the inhabitants of the city of Burlington, to borrow money from time to time, not exceeding twelve hundred dollars in any one year, for all purposes for which they are authorized by this act to raise money by tax, and to secure the payment thereof by bond or other instrument, under the common seal, and under the

signature of the mayor of said city, and to provide by tax for the payment thereof.

28. *And be it enacted*, That whenever, hereafter, a greater sum of money than the said sum of two thousand dollars, and any sum borrowed under the preceding section, shall, in the opinion of the said common council, be necessary to be raised in any one year, for the uses of the said city, then and in such case, the said common council are hereby authorized to give notice to the inhabitants of the said city, by advertisement published in a newspaper printed in the said city, at least ten entire days before the day of holding any election herein after mentioned, and by printed handbills, put up in the most public places of said city, for a like period, that an election will be held at the time and place therein mentioned, the said time and place to be designated by the said common council, to vote such a sum of money, to be raised by tax in the said city, as the said common council may think necessary to be raised for the uses of said city, and which sum of money shall be stated in the said notice; at which said election only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city, the voting to be by ballot, written or printed, or partly written and partly printed, for or against the sum of money proposed by the said common council, in and by their said notice, which said ballot shall contain the word "money," or the words "no money"; the time of opening and closing the poll at such election, and the mode and manner of conducting the same, shall be prescribed by ordinance of common council; and every sum of money so voted, by any resolution of the said common council, to be raised by tax in the said city, and approved of by a majority of the whole number of lawful ballots cast in any such election, shall be assessed, collected, and regulated according to the twenty-sixth, twenty-seventh and twenty-ninth sections of this act; *pro-* Election to be called if greater sum of money is required. *vided*, that the said common council may, in their discretion, pass a resolution to borrow, in lieu of raising by tax, any sum of money contemplated by this section, which shall be subject, in like manner, to the vote of a town meeting. Proviso.

29. *And be it enacted*, That all taxes which shall hereafter be assessed upon any lands, tenements, or real estate, situate in the city of Burlington, shall be and remain a lien thereon for the space of two years, from and after the time when the same shall be assessed, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax shall not be paid and satisfied within the time limited and ap- Real estate may be sold for payment of taxes.

pointed for the payment thereof, it shall and may be lawful for the common council, having first given public notice, in the manner and for the time mentioned in the fortieth section of this act, to cause such lands, tenements, or real estate to be sold at public auction, for the shortest time which any person will agree to take the same, and pay such tax, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under the common seal of said city, a declaration of said sale, and deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their proper use, against the owner or owners thereof, and all persons claiming under him, her, or them, until the said term shall be completed and ended.

Ordinances
and by-laws.

30. *And be it enacted*, That the ordinances, by-laws, and regulations of the common council shall begin in the following manner, to wit: "Be it ordained and enacted by the inhabitants of the city of Burlington, in common council assembled, and it is hereby enacted by the authority of the same;" and that all ordinances, by-laws, and regulations of the said common council of the city of Burlington, now in force, not repugnant to this act, shall continue in force until repealed, revoked, or supplied by the common council sitting under and by virtue of this act.

Grading and
paving st's,
&c.

31. *And be it enacted*, That it shall be lawful for the common council of the said city to make and establish ordinances and regulations for the levelling, grading, curbing, paving, flagging, or gravelling of any sidewalks, in any street or streets in said city, by the owners or occupants of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skilful person or persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations, by enacting penalties for noncompliance therewith, to be sued for and recovered, with costs of suit, in an action of debt, in the name of the treasurer of the said city, by the street commissioner, or any other officer of said city, for the use of said city, before the mayor or any one of the aldermen, or in any court having cognizance thereof.

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

32. *And be it enacted*, That if any lot, in front whereof the sidewalks shall by such ordinance or regulation be directed to be levelled, graded, paved, curbed, flagged, or gravelled, shall have no dwelling house erected thereon, and the owner thereof shall neglect to comply with such

ordinance or regulation, within three months from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed, and certified by three citizens, to be appointed by the said common council; and if such assessment be approved by the common council, they shall cause an advertisement to be inserted in a public newspaper printed in said city, for three weeks at least, stating the amount of such assessment, and requiring the owner of such lot to pay the same to the treasurer of said city, appointing a day and place when and where such lot will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment, with cost and charges thereof, and of the said advertisement, it shall be lawful for the said common council to cause such lot to be sold at public auction, for a term, at the time, for the purposes, and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common-seal of the said city; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming under him, her, or them, until his term therein shall be fully completed and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot, at the expiration of the term, in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance or regulation; *pro-* Proviso. *vided always*, that if, after defraying the actual expense of levelling, grading, paving, curbing, flagging, or gravelling the sidewalk in front of any lot so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of said city, the same shall forthwith be paid to the owner or owners of such lots, or his or their legal representatives.

33. *And be it enacted*, That the amount of the assess- Amount of assessment to be a lien on property. ment or estimate, to be made as aforesaid, on any lot in said city, shall be and remain a lien thereon, from the time of the completion and return of such assessment or estimate in manner aforesaid, until paid or otherwise satisfied; and

that it shall be lawful for the common council of the said city, instead of the remedy herein above stated, if they shall see fit, in case the owner or occupant of any lot, or of any house and lot, within the said city, shall neglect to comply with such ordinance or regulation in respect to the sidewalk in front thereof, to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said city, and to sue for and recover the amount so paid from the owner or owners of such lot, or house and lot, or his, her, or their legal representatives, with interest and costs, before the mayor or any one of the said aldermen, or in any court having cognizance thereof, in an action on the case, for so much money by them paid, laid out, and expended, to and for the use of such owner or owners, or his, her, or their legal representatives; and in every such action the said assessment or estimate, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

Tenant may recover from landlord amount paid for paving, &c.

34. *And be it enacted*, That if the tenant of any lot, or house and lot, within the said city, shall cause the sidewalks in front thereof to be levelled, graded, paved, curbed, flagged, or gravelled, in obedience to such ordinance or regulation, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representatives, with interest and costs, in an action on the case, before the mayor or either one of the aldermen of the said city, or in any court having cognizance thereof, for so much money by him paid, laid out, and expended, to and for his, her, or their use; *provided*, that nothing in this act shall affect any contract or agreement made, or to be made, between landlord and tenant, respecting such charges or expenses.

Proviso.

City council may lay out streets, &c.

35. *And be it enacted*, That it shall be lawful for the said common council to lay out or open any street, road, or highway in any part of the said city, and to cause any street, road, highway, or alley, already laid out in any part of the said city, to be vacated, opened, altered, or widened, whensoever and so often as they shall judge the public good requires the same to be done; and the said common council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent or legal representatives, of their intention to take such land, or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any

such land or other real estate, with the appurtenances, or the said common council cannot agree with such person or persons for the same, then it shall be lawful for the said common council to appoint three disinterested citizens of the said city, as commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain, by laying out, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley; *pro-* Proviso. *vided*, that no street, road, highway, or alley, in said city, shall be altered or widened as aforesaid, except on the application, in writing, to the said common council, by three-fourths of all the owners of land lying on said road, street, highway, or alley.

36. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed, before the mayor or any one of the aldermen of the said city, to make the assessment and estimate submitted to them fairly and impartially, according to the best of their skill and judgment. Commissioner to take oath.

37. *And be it enacted*, That the said common council shall appoint a time and place, within the said city, for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, at least ten days before the time of meeting, which advertisement shall specify the street, road, highway, or alley proposed to be laid out, altered, or widened, the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of said city; and the same, being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purpose aforesaid; *pro-* Meeting of commissioners.

Proviso.

vided however, that any person or persons, conceiving himself, herself, or themselves aggrieved, by the proceedings of the said common council or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the common council; and the supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Damages may be sued for in case of nonpayment.

38. *And be it enacted*, That in case of nonpayment, on demand, of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the common council of the said city, in an action of debt, with costs, before the mayor or any one of the aldermen, or in any court having cognizance thereof; and the said proceedings of the said commissioners and common council, or award of said jury, as the case may be, shall be conclusive evidence against the defendant.

Provision for payment of damages.

39. *And be it enacted*, That, in order to provide for the payment of the damages assessed, as aforesaid, for the laying out and opening of any street, road, or highway in the said city, or for the altering or widening of any street, road, highway, or alley, already laid out in the said city, and of all other necessary expenses incident to such laying out, altering, or widening, the said common council shall ascertain the whole amount of such damages and expenses, and shall cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire; and the common council shall appoint three disinterested citizens of the said city to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn or affirmed, before any justice of the peace or one of the aldermen of said city, to make the said assessment fairly, according to the best of their skill and judgment; and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the common council, and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots to be assessed, respectively; and such owners or occupants shall also, respectively, on demand, pay to such persons, as shall be authorized by the said common council to receive the same, the sums at which such houses and lots shall be assessed, to be applied

to the payment of the damages and expenses of laying out, altering, or widening the said street, road, highway, or alley as aforesaid; and on default of such payment, or any part thereof, it shall be lawful for the mayor of said city, by direction of the common council, to issue a warrant, under the common seal, to levy the same, by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *provided always*, that nothing in this act contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had not been passed; and further, if any such assessment, or any part thereof, shall be paid by any person, when, by agreement or by law, the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, before the mayor or any one of the aldermen, or in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, and proof of payment, shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who in law ought to bear and pay every such assessment.

Proviso.

40. *And be it enacted*, That in case any assessment, made as aforesaid, shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised, in a public newspaper printed in the said city, for one month, thereby requiring the owners or occupants of such houses and lots, respectively, to pay the sums at which such houses and lots shall have been assessed to the treasurer of the said city; and that if default shall be made in such payment, such houses and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the

Property may be sold for payment of assessment.

said common council to cause such real estate to be sold at public auction, for a term, for the purposes and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, claiming under him or them, until his term shall be complete and ended; and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as when it came into his possession.

Amount of assessment to be a lien on property.

41. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed, from the time of the completion and return of such assessment, in manner aforesaid, until the same shall be paid and satisfied; and that it shall be lawful for the said common council, instead of the remedies herein above provided, if they shall see fit, in case of refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of any such assessment, from the person or persons who, under the provisions of this act, ought to pay for the same, or his, her, or their legal representatives, with interest and costs of suit, before the mayor, or any one of the aldermen, or in any court in this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out, and expended for such person or persons, or his, her, or their legal representatives; and the said assessment shall be conclusive evidence for the plaintiff in every such action.

Streets not recognised as public streets, unless laid out by common council.

42. *And be it enacted*, That no street, road, highway, or alley, hereafter to be laid out or opened in the said city, shall be recognised, considered, or treated as a public street, road, highway, or alley, unless the same be laid out and opened under the direction of the said common council, in manner aforesaid.

Proceedings in case land taken belongs to non-residents.

43. *And be it enacted*, That in case any owner or owners of any lands or real estate, necessary to be taken for the laying out, opening, altering, or widening any street, road, highway, or alley in the said city, shall be non compos mentis, or out of this state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the common council of the said city to proceed to the appointment of the commissioners mentioned

and provided for in the thirty-fifth section of this act, after publishing in a newspaper printed in said city, for the space of three weeks, at least once in each week, a notice of the intention of the said common council to take such land or real estate, and appropriate it for such street, road, highway, or alley.

44. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses, to be assessed under and in pursuance of the provisions contained in the thirty-ninth section of this act. Assessment to be part of damages.

45. *And be it enacted*, That in case the owner or owners of any lot or lots, or house and lot, mentioned in the thirty-ninth section of this act, be under age, non compos mentis, out of the state, or cannot be ascertained on reasonable inquiry, made under the direction of the common council, and the assessment made on such lot or lots, or house and lot, in pursuance of the provisions of said thirty-ninth section, remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council, without demand of such owner or owners, to proceed to the advertisement mentioned in the fortieth section of this act, and to the sale provided for in said section, in the manner in said section pointed out. Assessments against non-residents.

46. *And be it enacted*, That the place of meeting of the said common council shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present while the said council shall be in session on public business. Meetings to be public.

47. *And be it enacted*, That the first election for officers under this act shall be held at the town hall in the said city, on the third Tuesday of March next, and shall be conducted in the same manner and by the same officers who are authorized to preside at elections by the ordinances in being at the time of the passage of this act, or by any three of them, the mayor or recorder, as such, not necessarily being one; *provided*, that the qualifications and time for voting shall be in accordance with the sixth and eighth sections of this act; *and provided also*, that two statements of the result of said election, as to mayor and aldermen, shall be made by the said judges, or any three of them, under their hands, one of which shall be filed with the city clerk, and the other transmitted or delivered to the secretary of state, within ten days after said election, the said judges first having received the result of the division into classes First election for officers. Provide. Provide.

of the said aldermen, prescribed in the seventh section of this act, which shall be fully set forth in the statement aforesaid.

Vacancies,
how supplied

48. *And be it enacted*, That in case of the absence, inability, or refusal to serve, of the said judges of election, mentioned in the forty-seventh section of this act, or any three of them, it shall and may be lawful for any judge of the court of common pleas, residing in the county of Burlington, or any justice of the peace, residing in said city, to appoint three discreet persons, being voters of the said city, to conduct and preside at said election, under the conditions and regulations set forth in the forty-seventh section aforesaid.

Act may be
repealed.

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

Former act
repealed.

50. *And be it enacted*, That the act entitled, "An act for the incorporating the town and port of Burlington," passed the twenty-first of December, seventeen hundred and eighty-four, and the supplement thereto, passed the second of February, eighteen hundred and thirteen, and all the other acts or parts of acts repugnant to the provisions of this act, be, and the same are hereby repealed, on and after the third Tuesday in March next; and on and after the said third Tuesday of March next, this act shall take full effect.

Approved March 4, 1851.

AN ACT to incorporate the New Jersey Art Union.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Coles, David A. Hayes, Henry G. Darcy, Matthias W. Day, Peter S. Duryee, Thomas H. Stephens, 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 New Jersey Art Union," and by that name they and their successors 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 the fine arts in New Jersey, may acquire, hold, purchase, mortgage, and sell real and per-

sonal estate; but the whole income of such real and personal estate shall not exceed two thousand dollars.

3. *And be it enacted*, That the business of the said corporation shall be conducted by a board of directors, to consist of twenty-four members, who are not professional artists, and that Abraham Coles, David A. Hayes, Henry G. Darcy, Andrew Lemassena, Jonas S. Quinby, John Chadwick, Marcus L. Ward, Frederick W. Ricord, Benjamin F. Harrison, Alexander N. Dougherty, Alexander M. W. Ball, Peter S. Duryee, James B. Robertson, John R. Wilson, James J. Mapes, Martin R. Dennis, Thomas H. Stephens, William T. Clough, Matthias W. Day, Lewis N. Condit, George M. Spencer, Theodore R. Lafoy, William H. Cleaveland, and John R. Weeks shall be the first directors of said corporation, who shall be divided into two classes, by themselves, at their first meeting; the first class shall hold for one year, and the second class for two years, and thereafter twelve shall be chosen annually, to hold for two years and until others are chosen; the board of directors shall have power to make, from time to time, such constitution, by-laws, and regulations as shall not be inconsistent with the object of the association.

First directors.

4. *And be it enacted*, That the officers of the association shall be, a president, a vice president, a corresponding secretary, a recording secretary, and treasurer, who shall be chosen from the board of directors annually, and such other officers and agents as the board of directors see fit to appoint or employ; and in case a vacancy in the officers or board of directors shall take place between the annual meetings, the same may be filled by the board of directors, at any regular meeting of the board, and the person or persons so chosen shall continue in office until the next annual meeting, or until others are chosen in their place.

Officers of corporation.

5. *And be it enacted*, That this act shall continue in force for the term of twenty years.

Limitation.

6. *And be it enacted*, That the said association shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Restrictions.

Approved March 5, 1851.

AN ACT to change the time of holding the annual town meetings in the township of Pahaquarry, in the county of Warren.

Time of holding town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, the annual town meetings in the township of Pahaquarry, in the county of Warren, shall be held on the second Monday in April, annually; and the first of said town meetings shall be held at the public house of Moses Shoemaker, in said township.

When act to take effect.

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

Approved March 5, 1851.

A supplement to the act entitled, "An act to incorporate the Monmouth County Plank Road Company," approved February twentieth, eighteen hundred and fifty.

Rates of toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever sixteen hundred shares of the capital stock of said company shall be subscribed, and ten per centum of the same paid in, the commissioners may proceed as directed in the fourth section of said act; also that the rates of toll shall not exceed the following rates per mile, 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 less number, five cents.

For every dozen of horses, mules, or cattle, and so in proportion for a greater or less number, twenty cents.

Part of former act repealed.

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

When act to take effect.

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

Approved March 5, 1851.

A supplement to the act entitled, "An act to incorporate the South River and Freehold Plank Road Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to lay iron rails, and construct a railroad, with as many sets of tracks as they may deem necessary, upon the line of road upon which they are authorized to build a plank road by the act to which this is a supplement, and in place of said plank road; and to have constructed, and to purchase with the funds of the company, and to place on said railroad, all machinery, engines, cars, wagons, and carriages or vehicles for the transportation of persons or any species of property, and to demand and receive therefor such sums of money as they may deem proper; *provided*, they shall not charge more than at the rate of three cents per mile for conveying each passenger, nor seven cents per ton per mile for the transportation of property.

Company authorized to construct railroad.

2. *And be it enacted*, That the president and directors of said company shall have power to increase the capital stock of said company to one hundred and fifty thousand dollars.

Capital stock may be increased.

3. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of 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, until the net income of said road shall amount to seven per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasury of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Statement of costs to be filed.

4. *And be it enacted*, That this act shall take effect immediately, and be taken and deemed a public act, and subject to the restrictions, limitations, and conditions speci-

Public act.

fied in an act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved March 6, 1851.

AN ACT to incorporate the Farmers Mutual Fire Insurance Company of Salem County.

Names of
corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Joseph Bassett, Robert Newell, David Petit, George Abbott, David Fogg; Hugh L. Tyler, Jonathan Ingham, John Hall, William H. Nelson, Thomas Shourds, John H. Lambert, Hudson A. Springer, and Jonathan D. Smith, 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 Farmers Mutual Fire Insurance Company of Salem County," to be located at Salem, in this state; 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 judgments or decrees which shall have been obtained for such debts.

Persons in-
suring to be
members.

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 as members of the said corporation; and that the property and concerns of said corporation shall be conducted and managed by thirteen directors, a majority of whom shall be residents of Salem county, to be chosen by ballot, by and from among the members, and shall hold their offices for one year and until others are chosen; and that the election for directors shall be held on the third Monday of April, 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 one or more newspapers printed or circulated in the county of Salem, 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 in the first section of this act shall be directors, until others are chosen in their stead. Proviso.

3. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of 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. Notes of members may be taken for amount of insurance.

4. *And be it enacted*, That at the first meeting of the 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. Directors to appoint president.

5. *And be it enacted*, That all policies of insurance 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 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, Assessment to be made in cases of losses sustained. Proviso.

with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Meeting of
directors.

6. *And be it enacted*, That three or more directors shall have power to call a meeting of the directors, by giving notice in one or more newspapers published or circulated in the county of Salem, at least ten days before said meeting.

Limitation.

7. *And be it enacted*, That this act shall continue in force for the term of 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.

Approved March 6, 1851.

AN ACT to incorporate the Elizabeth Port and Staten Island Ferry Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James C. Fairbank, Cyrus Manvel, John S. Spencer, John H. Rolston, James W. Angus, William Stiles, and Francis B. Chetwood, 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 Elizabeth Port and Staten Island Ferry Company," for the purpose of conducting and managing a ferry between the New Jersey shore, in the township of Elizabeth, in the county of Essex, in this state, and Staten Island, in the state of New York, and for towing vessels, rafts, and floats; and they and their successors and assigns, in their corporate name, shall be, and hereby are made capable, in law, to have, purchase, receive, lease, hold, and enjoy all kinds of estate, real and personal, which may be necessary, useful, or proper for the purposes of the said ferry, and the same to grant, demise, alien, pledge, convey, or dispose of, and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, for the purposes mentioned in this act.

2. *And be it enacted*, That James C. Fairbank, Cyrus Manvel, John S. Spencer, John H. Rolston, James W. Angus, William Stiles, and Francis B. Chetwood, 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 as they, or a majority of them, shall think proper. Commissioners to open books of subscription.

3. *And be it enacted*, That the stock, property, and affairs of the said company shall be managed by seven directors, being stockholders, a majority of whom shall be citizens of this state, and resident in the said township of Elizabeth, 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-fourth 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 as may be provided by the by-laws of the said corporation; public notice of the time and place of holding every such election, and of all other meetings of the stockholders, shall be given, not less than twenty days previous, in one or more newspapers printed nearest the place where such election or other meeting of the stockholders shall be held; 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; *provided always*, that no person shall vote, either in person or by proxy, on his own behalf, or as the agent or proxy for any other or others, upon more, in the aggregate, than one-fifth part of all the stock of the company. Annual election of trustees. Proviso.

4. *And be it enacted*, That the holders of the majority of the whole stock subscribed and paid, so far as called in, at any meeting duly convened, shall have power (all the holders of such majority concurring) to establish any by-laws, rules, and regulations, and give any instructions in relation to the management, control, and disposition of the affairs and property of the company, which are not inconsistent with other of the provisions of this act, the constitution or laws of this state or of the United States, and the same to alter, modify, and repeal; and the seven stockholders who shall, at any regular election, have the greatest number of votes given by the stockholders, attending in person or by proxy, shall be directors; such directors, or a majority of them, so chosen, shall at all times conform to Stockholders may make by-laws.

the said instructions, by-laws, rules, and regulations of the stockholders, and may, for the well ordering of the affairs of the said corporation, appoint their president, and such officers, superintendents, and agents, with such compensation as they may think proper, and may remove the same at their pleasure; and shall also have power to fill any vacancy that may occur among the directors, by death, resignation, or otherwise; to manage and control the property of the company; and may ordain and establish such further by-laws and regulations as they may deem necessary or convenient for the management and disposition of the stock, effects, and concerns of the said corporation; and may do and perform all other acts pertaining to the estate, property, and effects of the company, and the disposition thereof; *provided*, the same are not inconsistent with, or repugnant to the by-laws, regulations, and instructions of the stockholders, the laws or constitution of this state or of the United States.

Amount of
capital stock.

5. *And be it enacted*, That the capital stock of said company shall not exceed ten thousand dollars, to be divided into shares of twenty-five dollars each; and it shall be lawful for the said company to commence their said business so soon as twenty-five hundred dollars of the said capital stock shall be subscribed and paid, or satisfactorily secured; 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, subject to the restriction provided in the second section of this act; 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 the said township of Elizabeth.

Stock trans-
ferable.

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

7. *And be it enacted*, That in case it should at any time happen that an election should not be made at the time 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.

8. *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. Books of account to be kept.

9. *And be it enacted*, That any stockholder or stockholders, owning one-fifth of the stock holden, may, by giving notice in one or more newspapers published in the place nearest the place of meeting for four weeks, successively, at least once in each week, call a public meeting of the stockholders for any of the purposes authorized by this act. Public meetings, how called.

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

Approved March 6, 1851.

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AN ACT to incorporate the Gloucester and Salem 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 Gloucester and Salem Turnpike Company;" and that Charles C. Stratton, John B. Jessup, Joseph Tatem, Amos J. Peaslee, George Craft, Benjamin Rulon, Edmund F. Garrison; David C. Ogden, David Davis, William S. Clawson, and John H. Style of incorporation. Commissioners to open books of subscription.

Lippincott, 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 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 forty thousand dollars, with the privilege of increasing it to any sum not exceeding sixty 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 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.

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; and that when five 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 five 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 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 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 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.

Duties and powers of president.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term.

Annual 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 road, on or near the present public highway leading from the village of Woodbury, in the county of Gloucester, by way of Clarksboro' and Swedesboro', to Woodstown, 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

Company authorized to construct road.

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 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; *provided*, that before the said company shall construct the said turnpike road aforesaid, it 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 any of 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 shall sustain by the taking of stone, gravel, or other materials from his or her lands for the constructing or maintaining of said turnpike road.

Proviso.

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

7. *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 the said road, doing no unnecessary damage thereto, and to make all such ditches or 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*, 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

Proviso.

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 owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or 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 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 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, 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 said lands 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 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 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 orders 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 costs 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 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 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 the 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.

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 Woodbury 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 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, 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.

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 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.

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 or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace in the counties of Gloucester or Salem, 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 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 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 person 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.

14. *And be it enacted,* That when the board of chosen freeholders of the counties of Gloucester and 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. Freeholders may take road, on payment of cost.

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 counties in which said road lies, full and perfect statements 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 is applicable. Restrictions.

17. *And be it enacted,* That this act shall not take effect until the public highways upon which the said turnpike 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 boards of chosen freeholders of the said counties of Gloucester and Salem shall determine upon what terms and conditions the bridges upon said roads, now belonging to said counties, shall be disposed of to the said company, hereby incorporated; and in case the said company and the said boards 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. Bridges belonging to counties, how disposed of.

Approved March 6, 1851.

AN ACT to authorize Samuel C. Dunham to build, maintain, and keep in repair a dock or wharf, in front of his lands, in the township of Dover, in the county of Ocean.

Preamble. WHEREAS Samuel C. Dunham, of the township of Dover, in the county of Ocean, and state of New Jersey, hath represented that he is the owner of certain lands, situate in the township of Dover, in the county of Ocean, adjoining the waters of Tom's river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said river, for the accommodation of vessels navigating the same—therefore,

S. C. Dunham authorized to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said Samuel C. Dunham, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his own lands, in said township, extending a sufficient distance into said river; for the accommodation of vessels navigating the same, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any person whatever, and that such dock or wharf shall not obstruct the navigation of said river.

Penalty for injuring dock.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damages which the owner or owners may sustain, recoverable in any court having jurisdiction of the same.

Approved March 7, 1851.

A supplement to the act entitled, "An act to authorize the inhabitants of the townships of Mansfield and Washington, in the county of Burlington, to vote by ballot at their town meetings."

Constable and overseer of poor elected.

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

township of Washington, in the county of Burlington, are hereby authorized to elect, at their annual town meetings, one or more constables, and one or more overseers of the poor; and that so much of the act to which this is a supplement as comes within the purview of this act, be, and the same is hereby repealed.

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

Approved March 7, 1851.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act securing to mechanics and others payment for their labor and materials, in erecting any house or other buildings within the limits therein mentioned," approved April fifteenth, eighteen hundred and forty-six, and all the benefits and provisions of said act, be, and the same are hereby extended to all the counties of this state. Provisions of former act extended.

2. *And be it enacted*, That so much of the first proviso in the first section of the act to which this is a supplement, as requires the claim to be filed within six months from the time the materials were furnished and work done, be, and the same is hereby extended to one year. Claim to be filed in one year.

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

Approved March 7, 1851.

AN ACT to establish a new township in the county of Warren, to be called the township of Phillipsburg.

Boundaries
of township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that portion of the townships of Greenwich and Harmony, in the county of Warren, lying within the boundaries and descriptions following, to wit: beginning in the Pennsylvania line in the river Delaware, one mile below the middle of the Lopatcong creek, where it empties into said river Delaware; thence, in a straight line, to the corner line of the townships of Greenwich, Franklin, and Harmony; thence in a direct line, to a corner one half mile east of the north corner of Moses Dewitt's house; thence, continuing the same course, to the line between the states of New Jersey and Pennsylvania in the river Delaware; thence, down said line in the river Delaware to the place of beginning, shall be, and hereby is set off from the townships of Greenwich and Harmony, in the county of Warren, and made a separate township, to be called and known by the name of "the Township of Phillipsburg."

Inhabitants
incorporated

2. *And be it enacted*, That the inhabitants of the township of Phillipsburg are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Phillipsburg, in the county of Warren;" 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 Warren are or may be entitled or subject to by existing laws of this state.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the township of Phillipsburg shall hold their first town meeting at the hotel now kept by Henry Bowers, in the village of Phillipsburg, in said township, on the second Monday in April next.

Township
committee
to divide
property.

4. *And be it enacted*, That the town committees of the townships of Greenwich, Harmony, and Phillipsburg shall meet, on the Monday next after the annual town meeting in the said townships, at the place herein before mentioned in the village of Phillipsburg, 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 properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last as-

assessment; and the inhabitants of the township of Phillipsburg shall be liable to pay their just proportion of the debts, if any there shall be; and if any of the persons comprising either of the township committees 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.

5. *And be it enacted*, That Robert S. Kennedy, William R. Sharp, and Robert L. Cline, or any two of them, be Commissioners to survey boundary. and they 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, in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Warren, upon the application of the board of chosen freeholders of the said county, 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 said appointment; and that the charges and expenses of said commissioners shall be taxed and paid, as is by law directed in case of commissioners appointed by the court of common pleas upon the application of the board of chosen freeholders.

6. *And be it enacted*, That nothing in this act shall be so construed as to impair or in any wise affect the right of said township of Phillipsburg of, 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. Right to surplus revenue not affected.

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

Approved March 7, 1851.

AN ACT to incorporate the Window Glass Blowers and Flat-teners Beneficial Association of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hartman, Frederick, A. Everhart, John Sylvester, William Moffit, Trial West- Names of corporators.

coat, Henry Hoffman, Richard Winner, James Everhart, William Getzinger, William Culp, Robert Impsen, and such other persons as now are or hereafter may become members of said association, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Window Glass Blowers and Flatteners Beneficial Association of the state of New Jersey.

Election of officers.

2. *And be it enacted*, That, for the more effectual accomplishment of the objects of this corporation, there shall be a president, vice president, secretary, and treasurer, and such other officers and assistants as shall be deemed necessary, who shall be elected by a majority of the members present, of which two weeks' public notice shall be given.

What property may be held.

3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held, or which may be hereafter held by the said association, shall be vested in the body politic and corporate, who shall, by their name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, possess, and convey, for the use and benefit of said association, and for the purposes expressed in this act, any lands, tenements, hereditaments, any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic and corporate, legally authorized and able to make the same; *provided*, that the estate and property of the said association, both real and personal, shall not at any time exceed in value the sum of twenty thousand dollars.

Proviso.

Corporation may make by-laws.

4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of constitution and by-laws, for the transaction of the business, and for effecting the purposes and objects of the said association, as to the members thereof, or a majority of them, when duly convened, shall be deemed right and proper; *provided*, that nothing in said constitution or by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Proviso.

Objects of incorporation.

5. *And be it enacted*, That the objects of the association, hereby incorporated, shall be, the payment of benefits to its respective members for losses sustained by sickness or disability or by being thrown out of employment, from any cause whatever, as provided in the constitution and by-laws of the said association.

6. *And be it enacted*, That the benefits provided for by ^{Benefits.} the above section shall not be extended to any member who shall be thrown out of employment, or shall become sick or disabled by intemperance or immoral conduct.

Approved March 7, 1851.

AN ACT to set off from the township of Howell, in the county of Monmouth, a new township, to be called the township of Wall.

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 township of Howell, in the county of Monmouth, lying within the following boundaries, to wit: beginning at the sea or ocean, in the middle of Shark river inlet, and from thence running up the middle of the main stream thereof, along its general windings, to a place called and known by the name of the Horse pond, to a certain pine tree standing by the edge of the brook in said Horse pond, lettered "I. P.," said to be the beginning of a tract of land returned to Joseph Potter, deceased; thence westerly, along the line between the townships of Howell and Atlantic, sixty-one chains; thence southerly, on a straight line, to the mouth of Squancum brook, where it empties into Manasquan river, on the south side thereof; thence, from the mouth of the aforesaid Squancum brook, south, three degrees and thirty minutes east, to the north line of Ocean county; thence northerly, along said line, to Manasquan river, near old Squan bridge; thence, down the middle of said river, to the ocean, at Manasquan inlet; thence northerly, along the ocean, to the beginning, shall be, and hereby is set off from the township of Howell, in the county of Monmouth, and made a separate township, to be known by the name of "the Township of Wall."

2. *And be it enacted*, That the inhabitants of the township of Wall shall be, and the same are hereby constituted ^{Inhabitants incorporated} a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Wall, in the county of Monmouth," and vested with and entitled to all the powers, privileges, authorities, and advantages, and subject to all the like regulations and government, as other townships of this state.

First town meeting.

3. *And be it enacted,* That the inhabitants of the said township of Wall shall hold their first town meeting at the inn now kept by Isaac Amerman, in said township of Wall, on the day appointed by law for holding the annual town meetings in the other townships in the county of Monmouth.

Meeting of township committee.

4. *And be it enacted,* That the township committees of Howell and Wall shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at Shafto's inn, in the village of Lower Squancum, in the township of Howell, 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, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of said township, 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 township of Wall shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive.

Settlement of paupers.

5. *And be it enacted,* That all paupers who may be chargeable to the said township of Howell 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.

6. *And be it enacted,* That all persons residing within the limits of the said township of Wall, who would have been entitled to vote at the next annual town meeting of the township of Howell, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Wall.

When act to take effect.

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

Approved March 7, 1851.

AN ACT to incorporate the Mullica Hill and Woodstown Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly* Commissioners to open books of subscription. *the State of New Jersey*, That the subscription books of the capital stock of the Mullica Hill and Woodstown Turnpike Company shall be opened by William S. Clawson, James Woolman, John Haines, Ephraim S. Coles, Samuel H. Weatherby, John Duell, Elijah Horner, John W. Hazleton, Israel Pancoast, Samuel Duell, and David Pancoast, or any three 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 the respective counties through which said road may pass.

2. *And be it enacted*, That the capital of the said company shall be fifteen thousand dollars, with liberty to increase the same to twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when four 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 Mullica Hill and Woodstown 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. Amount of capital stock.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars and fifty cents shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over by the said commissioners to the treasurer of the company, as soon as such treasurer shall be appointed, and the residue of the subscriptions shall be paid in 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 and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said 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, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of Time and mode of annual election of directors. Proviso.

Proviso.

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 apportionment.

Act void if road is not completed in certain time.

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 one year, and said road be completed within four years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Election of directors.

5. *And be it enacted*, That when two hundred and fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as 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, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy.

Election of 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 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 power and authority, and perform all the duties herein prescribed.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and resident of the counties of Salem or Gloucester, and all other officers, agents, superintendents, and persons 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 the 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.

Powers and duties of directors.

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 act shall not be defeated or avoided by reason of the irregularity or want of such election.

Corporation not dissolved for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful

Company authorized to construct road.

for the said company to construct and make a turnpike or gravel road, which turnpike or gravel road shall be constructed and made on or near the present highway leading from Mullica Hill, in Gloucester county, by way of Harrisonville and Eldridge's hill, to Woodstown, in the county of Salem; and it shall be lawful for the said company, by their officers, agents, 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, or clay, 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, they shall pay to the respective owners of the lands over which the highway 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 such owners cannot agree upon the amount of such damage, then the said damage shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material, from his lands for the construction or maintaining of said turnpike road.

Proviso.

Description of road.

12. *And be it enacted*, That the said turnpike road shall be constructed not more than four rods in width, and thirty-two feet of which, along the middle, as nearly as may be, of the said highway, 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 or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that, in its progress, no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, 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 common council and owners of land cannot agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, laborers, 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 route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said lands, and to take and carry away any stone, gravel, clay, sand, or earth there being most conveniently situated, and being most suitable for making or repairing said road, the said owners or occupants of such lands being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within twelve months from the time of such damage sustained or materials taken away; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for either party to apply to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the counties of Gloucester or Salem, not being a stockholder, or in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested persons of the state as appraisers; and thereupon the said appraisers, having given at least fifteen days' notice, in the manner aforesaid, of the time and place of their meeting to each party, to meet at such time and place, and, having taken an oath or affirmation fairly and impartially to inquire into and report the value of said materials; and the amount of the said damages which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement, under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of said counties of Gloucester or Salem, to be filed by him in his office, and remain of record therein, which said valuation and appraisement shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor; and every such owner or owners of said lands, having first made demand of the said company for the amount so valued or appraised, may sue for and recover the same by action of debt, with cost of suit; *provided*, that said company, before they shall use and appropriate any lands or materials for said road, shall pay to the owner or owners thereof, or to the parties entitled to receive the same, the amount of the valuation and appraisement of the same, made by the appraisers to be appointed as aforesaid. Proviso.

14. *And be it enacted*, That as soon as the said company shall have constructed four miles of the said road in a work- Rates of toll.

manlike 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 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 horse, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified ; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person 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 duty by the laws of this state or of the United States.

Exeriso.

Mile stones
or posts to
be erected.

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 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 Mullica Hill 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 printed, in large letters, "Keep to the right, as the law directs."

Penalty for
injuring
works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on said 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 costs of suit; and if any person, with his carriage, team, and horses, turn out of the said road, to pass a gate or gates on private ground adjacent thereto, and again enter on the said road, 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.

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 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 obstruction.

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

19. *And be it enacted*, That if said company shall not keep the said road and bridges, which are now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the counties of Gloucester or 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 on oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and Proceedings in case road and bridges are not kept in repair.

to report to the said justice, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep 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 road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as aforesaid, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person 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 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 is authorized to be located and made are vacated as public highways, according to law; and in the event of such vacations as aforesaid, the boards of chosen freeholders of the said counties of Gloucester and Salem shall determine upon what terms and conditions the bridges upon said roads, now belonging to said counties, respectively, shall be disposed of to said company hereby incorporated; and in case the said company and the said boards 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 thirteenth section of this act, in relation to other damages therein specified.

Approved March 7, 1851.

in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, within the counties of Monmouth and Middlesex, as they, or a majority of them, may think proper, giving twenty days' notice of the same, in two of the newspapers published in the county of Monmouth, and two published in the city of New Brunswick, and that, at the time of subscribing, ten per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them; and as soon as one half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such 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 any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscriptions, books, and moneys paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

Corporation not dissolved for failure to elect 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 have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on

notice as aforesaid; and the directors for the time being shall continue to hold their office until others have been chosen in their places.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remaining capital stock of said company, by such 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, and in the city of New Brunswick; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the nonpayment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company. Instalments,
how paid.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point, at or near the village of Freehold, in the county of Monmouth, to the railroad running from New Brunswick to Trenton, crossing the Camden and Amboy railroad, at or near Jamesburg, and intersecting the railroad running from New Brunswick to Trenton, at or near the depot at Dean's pond, not exceeding one hundred feet wide, with as many sets of tracks and rails as they deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is herein after provided; *provided* Company au-
thorized to
lay out road. *always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said Proviso.

railroad may be laid out, be made; and if said owner of such land shall not see fit to receive such award, the amount of said award shall be paid into the court of said county before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
in case own-
ers and com-
pany cannot
agree.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their 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 twenty 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 and judicious freeholders, resident in the county in which the lands in controversy lie, commissioners, to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners, (having first taken an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the

said road, arising from the removing the fencing on the line of the route of said road, through any improved lands over which the same may run ; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the said justice, commissioners, clerks, and other persons, performing any of the duties prescribed in this section of the act; as he shall think equitable and right, and to order and direct to whom the same shall be paid by the company.

8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county, wherein the lands in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried ; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded, in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor ; but if the said jury

Parties aggrieved may appeal.

shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners awarded, then said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon the filing of the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands and damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of an appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found, as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a legal and valid payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being barred thereby from his, her, or their appeal from the report of the commissioners.

Proviso.

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, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad; and shall construct and maintain good and sufficient fences on both sides of said road, throughout its entire length; and shall also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on the said railroad.

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

of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of three cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than six cents per ton per mile for the transportation of every species of property on said road, in the carriages of the said company, or two cents per mile per ton for property, nor shall more than half of the above rate be charged for carrying any fertilizing materials, or two cents per mile for each passenger carried on said road in the carriages of others, and two cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages, so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated, as to the time of starting and rates of travelling, by the company, in the same manner as the carriages of the company are; and the said railroad, and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass, shall be re-vested in the person or persons from whom the lands were taken, by concession or by inquisition as aforesaid; but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be, by the said company, removed and disposed of, to and for the use

Rates for carriage and transportation.

Proviso.

Roads to be public highways.

Proviso.

Proviso.

of the said incorporation, within one year from the time the property will vest in the original owner.

Semi-annual dividends to be made.

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 of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them, respectively, as they may deem prudent and proper.

What real estate may be held.

12. *And be it enacted*, That the said company may have and hold real estate, at or near the commencement and termination of the said road, or at any other point on the line of said road, where the directors may think proper to establish a depot, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient, for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, machinery, or other works of said corporation, such person or persons shall forfeit and pay therefor, to the corporation, three times the amount of damages sustained by means of such injury, to be recovered, in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Statement of cost to be filed.

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished, so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and whenever the net proceeds of said road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually, on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

State may take road at appraisal.

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisalment of said railroad, with the appendages thereof, to be made by six

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

16. *And be it enacted*, That if the said railroad shall not be commenced within two, and completed and in use within five years, from the fourth day of July next ensuing, that then and in that case this act shall be void. Act void if road is not completed in certain time.

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

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney general, and the judges of the court of errors, of this state, when 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 re-pass on the railroad of said company, in their cars, free of charge. Certain officers to pass free.

19. *And be it enacted*, That this act shall go into effect immediately. When act to take effect.

Approved March 12, 1851.

AN ACT to reduce the par value of the stock of the Morris Turnpike Company.

Preamble. WHEREAS, by an act entitled, "A supplement to the act entitled, an act for facilitating the communication from Elizabethtown, in the county of Essex, through Morris-town, in the county of Morris, and from thence in the county of Sussex," approved March first, eighteen hundred and fifty, the directors of the Morris Turnpike Company were authorized to receive subscriptions for a sum, not exceeding one hundred thousand dollars additional capital stock of the said company, for the purpose of constructing a plank road on their said turnpike road; and whereas it is necessary that the present value of the stock should be fixed by law, to enable the said company to use and dispose of the right of way, at a price that will justify the making the said plank road, which present value of the said stock does not exceed ten dollars per share—therefore,

Price of shares reduced.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the shares of capital stock of the said the Morris Turnpike Company shall be reduced to the price of ten dollars each, instead of twenty-five dollars, stated in the original act, which ten dollars shall hereafter be taken and deemed the value of each share of said stock; *provided*, that it shall and may be lawful for the directors of said company, by and with the consent, in writing, of a majority of the stockholders of any or either district, to reduce and fix the value of said stock in such district at any sum not less than five dollars for each share.

Proviso.

Approved March 12, 1851.

A supplement to an act entitled, "An act to incorporate the Newark Mutual Aid Association," passed February fourteenth, eighteen hundred and thirty-one.

Former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Newark Mutual Aid Association," passed February fourteenth, eighteen hundred and thirty-one, shall be, and hereby is continued and extended for and during the term of twenty-one years from and after the time by the said act limited for its continuance.

2. *And be it enacted*, That the second section of said Stewards. act be so altered and amended as to allow said association to elect as many stewards, as by their by-laws the said association shall determine, provided the number of stewards shall not be less than six.

3. *And be it enacted*, That this act shall take effect When act to take effect. immediately upon the expiration of the time in and by the said act, entitled, "An act to incorporate the Newark Mutual Aid Association," passed February fourteenth, eighteen hundred and thirty-one, limited for the continuance of the said association.

Approved March 12, 1851.

AN ACT to incorporate the National Telegraph 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 may become subscribers to the stock by this act authorized to be created, their associates, successors, and assigns, are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the National Telegraph Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, and may purchase, rent, or otherwise receive and hold, any line of telegraph now erected, necessary or expedient to the objects of this incorporation; *provided*, that the amount of real estate owned by the Provide. corporation shall not exceed ten acres.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with liberty to increase the same from time to time, at the discretion of the directors, to three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; said shares shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct. Amount of capital stock.

3. *And be it enacted*, That Lorenzo Burg, Joseph H. Blackfan, and Charles Smead, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice thereof, by advertisements, to be Commissioners to open books of subscription.

Election of
officers.

inserted in two of the newspapers published in the city of Trenton; and after five hundred shares of said stock shall be subscribed, may give notice of a meeting of the stockholders for the election of nine directors, by advertisement, to be inserted thirty days in one of the newspapers printed in Trenton; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall appoint inspectors of the first election of directors, which inspectors shall certify, under their hands, the names of the persons duly elected; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, and the directors for the time being shall appoint inspectors of the next election; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and at such meeting, the subscription books shall be delivered to said directors; and said directors shall annually, as soon as may be after their 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, by the board of directors; and in case of the absence of the president, the said board of directors may appoint a president pro tempore; who shall have such powers and functions as the by-laws of said corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made 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.

Instalments,
how paid.

5. *And be it enacted*, That five directors of said company shall constitute a quorum for transacting business; and the board of directors shall have power to call in the capital of said company by instalments, as the same shall be required, on thirty days' notice, by advertisement inserted in one of the newspapers published in Trenton, and in case of the nonpayment of any of the said instalments within ten days of the time specified, to declare forfeited to the company, the share or shares on which default shall have occurred; with the previous payments thereon; and they shall also

have such power to appoint such officers as may be necessary, and to make, from time to time, such by-laws, rules, and regulations, as to them shall seem meet, touching the management and regulation of the stock, property, estate, and effects of said corporation ; *provided*, that such by-laws, rules, and regulations shall not be repugnant to this act, or to the constitution and laws of this state or of the United States. Proviso.

6. *And be it enacted*, That the directors of said company shall be, and they are hereby invested with all the rights and powers necessary to survey, lay out, construct, and use a line of magnetic telegraph across the state of New Jersey, for the purpose of transmitting intelligence between the cities of Boston and Washington, and intermediate places, on the most eligible route ; and it shall be lawful for said company, or their agents, to enter upon all lands and waters, for the purpose of exploring, surveying, or laying out the route of such line of telegraph, and of locating the same, doing no unnecessary injury to private or other property ; and when said route shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company to contract for and acquire the fee simple, or any lesser estate or interest, in the lands which may be needed for said work, and upon obtaining such lands, or such interest therein as shall be requisite, may proceed to construct and use said telegraph ; and said company may construct their said telegraph either over or under public roads, by and with the consent in writing of the township committee of any township, or of the corporate authorities of any city or borough, in or through which the said line or lines of telegraph may be located, or over or under navigable streams, not interfering with the travel on said roads, or the navigation on such streams ; and they may use either one continuous line of wires across the state, or wires terminating at intermediate places, or both, at their discretion. Company authorized to construct line of telegraph.

7. *And be it enacted*, That it shall be lawful for said company, in like manner, to lay out, construct, and use lines of telegraph, connecting with their main line, to any points or places upon the Atlantic coast. Branch lines may be constructed.

8. *And be it enacted*, That if any person or persons shall wilfully injure, destroy, or obstruct the use of any telegraph constructed by virtue of this act, by the said company, or any of their necessary works, such person or persons, so offending, shall forfeit and pay to said company the sum of one hundred dollars, to be recovered in any court of com- Penalty for injuring works.

petent jurisdiction, in an action of debt, and further, shall be liable for all damages.

Tax to be paid by company.

9. *And be it enacted*, That it shall be the duty of said company, at all times, without charge, on the request of any public officer of this state, to transmit (confidentially, if required,) messages relating to the public business thereof, and also at all times to assist the police officers of the state, by the transmission of intelligence; and that whenever the net earnings of said company shall exceed six per cent. upon the amount of the capital stock of said company, said company shall pay one half of one per cent. upon the amount of said capital stock into the state treasury.

Public act.

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

Approved March 12, 1851.

AN ACT to incorporate the New Jersey Locomotive and Machine Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Jackson, William Swinburne, William Ridgeway, Samuel Smith, and Charles D. Ridgeway, 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 New Jersey Locomotive and Machine Company," for the purpose of manufacturing stationary and locomotive steam engines, and wool, cotton, silk, and flax machinery, in the township of Paterson, in the county of Passaic, and carrying on the business incident to such manufacture.

Election of directors.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday of

January, in every year, at such place and time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more of the newspapers published in said county, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the person having the greatest number of votes, being a stockholder, shall be director; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors, so chosen, shall 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 the same shall be done; 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 elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be James Jackson, William Swinburne, William Ridgeway, Samuel Smith, and Charles D. Ridgeway, and the survivor or survivors of them, who shall hold their offices until the first Tuesday in January, eighteen hundred and fifty-two, and until others are legally chosen.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of three hundred thousand dollars, which shall be divided into shares of fifty dollars each; but as soon as the sum of one hundred and fifty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been pub-

First directors.

Amount of capital stock.

lished for thirty days, in one or more newspapers published in the said county of Passaic.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription of the said stock shall be open for any number of days, not exceeding twenty, at Congress Hall, in Paterson, in the county of Passaic, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose; and the said directors shall give due notice of the opening of said books for the subscription to the capital stock of said company for three weeks, by publishing the same in some one or more papers published in the said county of Passaic.

Stock transferable.

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

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

6. *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.

Directors to make by-laws.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have power to ordain, establish, and put 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 said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Proviso.

Books of account to be kept.

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

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

dissolved at any general meeting of the stockholders specially convened for that purpose; *provided*, at least three-fourths in amount or value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, or the survivor or survivors of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivor or survivors of them, shall be trustees for the purpose aforesaid.

Company
may be dis-
solved by
stockholders

10. *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 12, 1851.

AN ACT to authorize the trustees of the Methodist Episcopal Church at Gloucester, in the county of Camden, to sell certain lands.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Gloucester are hereby authorized and empowered to sell, at public or private sale, as much of that lot of land and premises, which was conveyed by the Gloucester Land Company to James L. Hines, Jeremiah H. Banks, Alfred T. Githens, Duncan McNaughton, Richard S. Bailey, Aaron B. Eacritte, and Joshua P. Browning, trustees of the corporation lately incorporated by the name of "the Trustees of the Methodist Episcopal Church at Gloucester," and to their successors, in trust, for the use of the members of the Methodist Episcopal Church in the United States, by their deed, bearing date the thirty-first day of October, in the year of our Lord one thousand eight hundred and forty-nine, and recorded in Book J. of deeds in the clerk's office of the county of Camden, at Camden, as is not included in the church and parsonage lot, and

Trustees au-
thorized to
sell real es-
tate.

in the said deed is described, as by reference thereto will fully appear; and to execute and deliver to the purchasers thereof a good and sufficient deed for the same, under the hands and seals of the trustees of said corporation, or a majority of them, by which said purchasers, their heirs and assigns, shall hold the same, so conveyed, to their own use, free and clear, and absolutely discharged from all trusts whatsoever upon which the same was held as aforesaid; and the purchase money paid by such purchasers, when received by the trustees of the said corporation, shall be appropriated towards defraying the expenses incurred in building a new church and parsonage, and shall be absolutely vested in, and belong to the said Methodist Episcopal Society at Gloucester, their successors and assigns, for ever.

Approved March 12, 1851.

A supplement to the act entitled, "An act concerning wills."

Wills, how
made and
executed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all wills and testaments of persons dying after this act shall take effect, or who may have died since the fourth day of July, in the year of our Lord eighteen hundred and fifty, shall be in writing, and shall be signed by the testator, which signature shall be made by the testator, or the making thereof acknowledged by him, and such writing declared to be his last will, in presence of two witnesses present at the same time, who shall subscribe their names thereto, as witnesses, in the presence of the testator; and all wills and testaments of persons dying since the day above mentioned, made in the manner herein prescribed, by any person competent by law to make such will, shall be sufficient to devise, pass, and bequeath all estates and property, real or personal, and all rights of any kind, and to appoint a guardian or guardians to any child of the testator during infancy.

Revocation
of will.

2. *And be it enacted*, That all written revocations of wills shall be executed in the same manner as wills are hereby required to be executed, and when so made shall be sufficient to revoke any last will, or any part thereof.

3. *And be it enacted*, That real estate acquired by a testator, after making his will, shall pass by any general or special devise or sale under any power of sale contained in the will of any person dying after the fourth day of July, in the year eighteen hundred and fifty, sufficient to include it, had the same been acquired before the making of the will, unless a contrary intention be manifest on the face of the will. Real estate acquired after making will.

4. *And be it enacted*, That in any devise or bequest of real or personal estate in the will of any person dying after this act shall take effect, the words "die without issue," or "die without lawful issue," or "have no issue," or any other words which may import a want or failure of issue of any person in his lifetime, or at his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the death of such person, and not an indefinite failure of issue, unless a contrary intention shall otherwise appear by the will. Construction of certain words.

5. *And be it enacted*, That no will of personal estate, made after the fourth day of July, in the year eighteen hundred and fifty, by any person within the age of twenty-one years, shall be good or effectual in law. Will of personal estate.

6. *And be it enacted*, That nothing in this act contained shall be held to change or affect the existing law relative to nuncupative wills. Nuncupative wills.

7. *And be it enacted*, That the act approved on the seventh day of March, in the year eighteen hundred and fifty, entitled, "A supplement to the act entitled, an act concerning wills," be, and the same is hereby repealed. Former act repealed.

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

Approved March 12, 1851.

A supplement to the act entitled, "An act to authorize the owners and possessors of a certain tract of woodland, therein named, to prevent horses, cattle, and sheep from running at large therein," passed February twenty-fifth, eighteen hundred and one.

Annual election for managers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of lands lying in the boundaries of the tract of land directed to be enclosed by the act to which this is a supplement, as such boundaries are now established by the supplement to said act, approved on the twenty-seventh day of February, in the year eighteen hundred and forty-six, to hold an election for three managers of said enclosive tract, to be chosen out of their own number, at some place in the township of Harrington, in the county of Bergen, on the first Monday in May next, and on the first Monday in May, in each and every year thereafter; such owners, when met, shall choose two inspectors of election, who shall count the votes, and the three persons who shall receive the greatest number of votes shall be elected managers; and a certificate of said election, entered in the book of minutes of said managers, shall be conclusive evidence of such election; the election to be held in May next after the passing of this act, shall be held at the house of Matthew S. Bogart, in said township, at four o'clock in the afternoon, and in every succeeding year, at such place and hour as the managers shall direct, of which place and hour they shall give notice by advertisement, set up for two weeks in three public places in said township of Harrington.

Term of office.

Vacancies.

2. *And be it enacted*, That said managers shall hold their offices for one year and until others are elected in their stead, and shall have power to fill any vacancy in their own body, by death, resignation, or otherwise.

Managers to ascertain number of acres benefited.

3. *And be it enacted*, That the managers shall ascertain and adjudge the number of acres in said inclosive tract benefited thereby, held by each individual owner, and shall enter the list of the names of the owners, with the number of acres owned by each, in their book of minutes, and sign such adjudication and list in said book, and shall change, alter, and renew said list and adjudication from time to time, as may be made necessary by the change of owners or otherwise.

Expenses of enclosure, how assessed.

4. *And be it enacted*, That the expenses incurred, and to be incurred hereafter, in enclosing the said tract, and keep-

ing the fence in repair, and in protecting the said tract, shall be ascertained and settled by said managers, and shall be by them assessed upon each individual owner, according to the number of acres held by him in said tract, which assessment shall be entered in the book of minutes of said managers, and signed by them; and each owner shall pay to said managers, in ten days after receiving notice of such assessment, the sum assessed on him for the purposes aforesaid; and in case of neglect or refusal so to do, said managers may sue for and recover the same of such owner, in an action of debt; and in any suit by them, the book of minutes of such managers shall be evidence of such assessment and of the amount due from such owner, and of all other matters directed to be entered therein; and any of said managers may be a witness to prove the fact that such book is their book of minutes.

5. *And be it enacted*, That this act shall take effect immediately; and all parts of the act to which this is a supplement, and of the several supplements thereto, which come within the purview of this act, and are contrary thereto, be, and the same are hereby repealed. When act to take effect.

Approved March 12, 1851.

A supplement to the act entitled, "An act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, eighteen hundred and thirty-eight.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be, and they are hereby authorized to survey, lay out, and construct a railroad, from some point at or near the Hoboken ferry, in the county of Hudson, to a point at or near the old Weehawkin ferry, in the same county; and to place and run engines and cars thereon, and to demand and take fare for carrying passengers and merchandise, not to exceed twelve and a half cents for each passenger, and fifty cents per ton for the transportation thereon of every species of heavy merchandise, produce, property, and freight, the loading and unloading thereof inclusive; and, for the transportation of dry goods and packages, the company may charge such reasonable rates as the board of directors of said company shall fix for the same; said road not to exceed sixty Company authorized to construct railroad.

feet in width; and where the same shall cross any public highway, the crossings shall be made and maintained in good repair by said company, so as not to impede the travel, or interfere with the public convenience.

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

2. *And be it enacted*, That if said road shall cross the lands of any other person than the said company, and the said company cannot agree with the owner or owners thereof, for the use or purchase of such portion of the same as shall be required for the use of said road, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, such land, so required, shall and may be taken by the said company, for the use of such road, upon taking such proceedings in reference thereto as are prescribed in similar cases, in and by the eighth and ninth sections of the act entitled, "An act to incorporate the Paterson and Hackensack Railroad Company," passed February sixth, eighteen hundred and fifty.

When act to
take effect.

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

Approved March 13, 1851.

A further supplement to an act entitled, "An act to incorporate the Newark Lime and Cement Manufacturing Company," passed February twentieth, eighteen hundred and forty.

Seven direct-
ors to be
elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be so altered and amended, as to increase the number of directors, therein named, to seven.

Stock may
be issued for
surplus pro-
fits.

2. *And be it enacted*, That whenever the profits of the company, not declared, shall, after deducting all liabilities, exceed twenty thousand dollars, stock may be issued to the amount of the surplus, which shall be distributed among the stockholders, in proportion to their interest therein; *provided*, said stock, so issued, shall not exceed the sum of one hundred and fifty thousand dollars, being the capital of said company.

Proviso.

When act to
take effect.

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

Approved March 13, 1851.

AN ACT to authorize the inhabitants of school district number seven, in the township of Pequannock, in the county of Morris, to raise money for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly* Boundaries of district. *of the State of New Jersey*, That the taxable inhabitants residing in school district number seven, in the township of Pequannock, in the county of Morris, included within the following bounds, viz: beginning at a point on the east shore of Rockaway river, due west of the store house of John L. Kanouse, and running thence east, to and including said store house; and thence, in an easterly course in a straight line, to and including the dwelling house of John Jaques; and thence, nearly north in a straight line, to and including the dwelling house of Richard Taylor; and thence, in a straight line in a westerly course, to and including the house of Joseph Cookaroo; and thence, in a westerly course in a straight line, to and including the dwelling house on a farm situated north of the village of Boonton, and belonging to Daniel T. Peer; and thence, in a straight line in a westerly course, to a point on the east bank of the Rockaway river, twenty rods south of the residence of Thomas C. Willis, on the road leading from Boonton to Powerville; and thence, down the east shore of said river, to the place of beginning, shall be, and the same are hereby authorized to raise money for purposes and in manner herein after prescribed.

2. *And be it enacted*, That only such persons as are taxable, and reside in said district, District meetings. may vote in the district meetings; and every meeting may choose its own moderator, and may, except at the annual meeting on the first Monday in April, adjourn from time to time, to meet at the same, or some other place in said district; and that at all elections in said school district, held by the taxable inhabitants thereof, to raise money under this act; the presiding officer, together with the clerk and treasurer of said district, shall be the inspectors of election.

3. *And be it enacted*, That the taxable inhabitants of said school district, at the annual meeting on the first Monday in April, in each year, shall choose, beside trustees, as now required by law, a clerk, who shall be sworn and affirmed, and a treasurer, who shall hold their respective offices until the next annual meeting and until others are chosen or appointed and duly qualified, as herein after prescribed; *pro-* Election of officers. *vided*, in case a vacancy shall occur, by reason of the district failing to appoint either or both of the officers named Proviso.

in this section, or by death, removal from the district, or otherwise, then it shall be lawful for the trustees of said district to make such appointment and to fill such vacancy, and the person or persons so appointed shall hold their respective offices until the next annual meeting, and until others are chosen or appointed, and duly qualified, as aforesaid; and any person, so chosen or appointed, who shall refuse or neglect to perform the duties of the office, shall pay five dollars to the treasurer of the district, for the use of said district.

Treasurer to
give bond.

4. *And be it enacted*, That the treasurer of said district, before he enters upon the duties of his office, shall, when required by the trustees of said district, give bond, in such amount as shall be prescribed by the trustees of said district, and with such sureties as shall be approved by the trustees of said district, for the faithful discharge of his duties; and shall receive and take care of all money, leases, bonds, notes, and other securities of the funds or property of the district, except those especially intrusted to others by the donor or grantor, or by law, and deliver and pay over the same only to the written order of the trustees, or a majority of them, which order shall state the purpose for which it was given, and be made payable to the order of, and endorsed by the person entitled to receive it; and he shall render a full and true account thereof at each annual meeting.

Duties of
clerk.

5. *And be it enacted*, That it shall be the duty of the clerk of said district, within three days after his appointment, before one of the justices of the peace in the said township of Pequannock, to subscribe and take an oath or affirmation, that he will faithfully discharge his duty as clerk of said district, which oath or affirmation shall be delivered, by the justice of the peace taking the same, to the township committee, to be by them filed and kept; and it shall be the duty of said clerk to enter into a suitable book, to be procured for the purpose, a correct description of the boundaries of said district, and also to keep a correct record of the notices and proceedings of all meetings of the inhabitants of the district, lawfully convened for the transaction of business pertaining to the support and maintenance of a public school in said district, copies of which, duly attested, shall be legal evidence in all courts of law; and also, he shall preserve and file all reports made to said district, and when called upon and requested by three or more of the taxable inhabitants of said district, to call a special meeting of the inhabitants in said district for a purpose or purposes pertaining to the public school in the dis-

trict, he shall, in three or more of the most public places in said district, put up written notices, stating the time, place, and object of such meeting, and at least five days previous to the time of holding the same; and he shall aid the trustees of the district to make out a list of the children residing in the district, over five, and under sixteen years of age, as required by the ninth section of the "Act establishing public schools," approved April fourteenth, eighteen hundred and forty-six, which list he shall (together with the trustees, or a majority of them,) sign, and he shall certify to the correctness thereof, and perform all other duties appropriate to his office.

6. *And be it enacted*, That the taxable inhabitants of said district may establish and maintain a district library, for the use of the children thereof, under such rules and regulations as the district may adopt. District li-
brary.

7. *And be it enacted*, That whenever it shall be deemed necessary, by three or more of the taxable inhabitants residing in said district, to raise money to build or repair a school house, or purchase a lot of ground on which to erect a school house, or to purchase a stove or fuel, or other necessary fixtures or apparatus, for the use of the public school in said district, to purchase books for a school library for the use of said district, or to pay the clerk and treasurer of said district for their services, it shall be the duty of the trustees of said district to give notice of the same in writing, to be put up in four of the most public places in said district, at least ten days before the time of holding the annual meeting on the first Monday in April; and in case the trustees fail to give notice as aforesaid, then any three or more of the taxable inhabitants residing in said district shall have power to give notice, as required to be given by the trustees, except that the notice in the latter case specified shall be put up, as herein before provided, at least five days previous to the annual meeting aforesaid; and the taxable inhabitants of said district, when assembled at the annual meeting on the first Monday in April, are hereby authorized to determine, by a majority of the votes of those then assembled, what sum or sums of money, under the limitations herein after provided, shall be raised by tax, to be assessed upon the taxable inhabitants and property in said school district, for any one or more of the purposes aforesaid; *provided*, the sum or sums so ordered to be raised for purposes herein before named, other than the purchase of a lot of ground on which to erect a school house, the building of a public school house, or the repair of such house, shall not exceed, in any one year, a sum equal to Notice to be
given when
money is to
be raised.

Proviso.

twenty-five cents for each child residing in said district over five and under sixteen years of age; but for repairing a public school house in said district, the sum or sums so ordered to be raised shall not exceed in any one year a sum equal to one dollar for each child residing in said district, over five and under sixteen years of age; whereupon it shall be the duty of the clerk of said school district, before the first day of June next following, to certify to the assessor or assessors of the said township of Pequannock, in writing, under his hand, the sum or sums so voted to be raised, accompanied by a written list, by him also made and certified, of the names of all the taxable inhabitants and real estate in said district; and it shall be the duty of the assessor or assessors of the said township of Pequannock to assess, on the inhabitants and real estate of said school district, in like manner as township and county taxes are assessed, all money so voted to be raised, keeping the sum or sums assessed by virtue of this act in the duplicate of taxes distinct from all assessments by him or them therein made for other purposes, which said assessments shall, in all other respects, be levied and collected in the same manner, and by the same officers, that township and county taxes are levied and collected.

Money may be raised for support of public schools.

Proviso.

8. *And be it enacted*, That the taxable inhabitants residing in said school district, at the annual meeting on the first Monday in April, in each year, may determine, by a majority of the votes of those then assembled, to raise by tax in the district such sum of money, as they may deem necessary for the support of a public school in said district during the ensuing year; *provided*, the sum so ordered to be raised shall not exceed three dollars for each child residing in said district, over five and under sixteen years of age; whereupon the clerk of said district shall certify to the assessor or assessors of the said township of Pequannock, in manner as herein before directed, the amount so voted to be raised, and said amount shall be assessed and collected, as specified in the seventh section of this act.

9. *And be it enacted*, That whenever the taxable inhabitants of said school district shall determine, as herein before provided, to raise a tax for any one or more of the purposes authorized by this act, the same shall be levied on all the real estate situated in said district, and upon the polls and other ratable estate, except real estate situate without the limits of said district, of those persons who are residents therein at the time of laying such tax.

Collector to pay tax money to treasurer.

10. *And be it enacted*, That it shall be the duty of the collector of said township of Pequannock to pay the tax

money which he shall collect under the provisions of this act to the treasurer of said school district, on or before the first Monday in February, annually; and in case of failure so to do, he shall be liable to prosecution, in all respects, as is provided in the twenty-fifth section of "An act concerning taxes," except that the suit or suits shall be brought in the name of the inhabitants of the township of Pequannock, for the use of the inhabitants of said school district number seven, in the township of Pequannock; in the county of Morris; and for the money so paid, the treasurer of said district shall give a receipt to the said township collector, which shall be a sufficient voucher to exonerate and discharge the said collector to the amount therein named.

11. *And be it enacted*, That when the taxable inhabitants in said school district shall determine, as herein before provided, to build a public school house in said district, and shall determine to raise by tax the first year only a part of the amount of money that will be necessary to complete such building, provided the amount so ordered to be raised the first, shall be at least equal to one-third of the whole expense to be incurred in completing such building, then it shall be lawful for said district to order the treasurer of said district to borrow, in the name and for the use of said district, a sum or sums of money sufficient to make up such deficiency; and the district shall be bound for the repayment of the money thus borrowed, together with lawful interest thereon, and the money thus borrowed shall, together with the interest thereon, be repaid within five years, and in yearly payments of not less than one-fifth of the amount so as aforesaid borrowed; and in case the district shall neglect or refuse, at the annual meeting on the first Monday in April, to make necessary provision to meet such payment, it shall be the duty of the treasurer of said district, and he is hereby required, within thirty days thereafter, to notify the assessor or assessors of the said township of Pequannock of the amount becoming due, and so as aforesaid unprovided for, whereupon the assessor or assessors shall proceed as herein before provided, and when the amount so assessed shall be collected by the collector of said township, and paid over to the treasurer of said district, it shall be by him, without unnecessary delay, applied to the purpose for which it was raised.

Treasurer to borrow money in certain cases.

12. *And be it enacted*, That the taxable inhabitants of said school district, in raising money by tax, as provided in the seventh section of this act, for purchasing a lot, and building a public school house thereon, in the district, shall be limited not to exceed a sum equal to ten dollars for

Amount of money to be raised for building school house

Proviso. each child residing in the district, over five, and under sixteen years of age; *provided*, in case any public school house, erected under the provisions of this act, shall be destroyed by fire, or otherwise, that said district shall have power, as herein before provided, and, under the same limitation, to raise money to erect another school house for the use of said district.

Compensation to officers. 13. *And be it enacted*, That the clerk of said district shall be entitled to receive five dollars per annum for the performance of the duties required of him under this act, which shall be paid to him, by the trustees of the district, out of any money belonging to the district, and not otherwise appropriated; and the treasurer of said district shall be entitled to receive, as compensation for his services, one per centum on all money received and paid out by him for school purposes, in manner as required by this act, which shall be paid to him by the trustees of the district, out of any money belonging to said district, and not otherwise appropriated.

Compensation to assessor and collector. 14. *And be it enacted*, That for the additional duties, by this act imposed upon the said township assessor and collector, they shall be entitled to additional compensation, at the same rates as are by law provided for assessing and collecting other taxes.

Bond of collector. 15. *And be it enacted*, That it shall be the duty of the township committee of the township of Pequannock, when taking bond of the said township collector, as now required by law, to increase the sum named in said bond to an amount sufficient to secure the due performance of the additional duties, by this act assigned to said collector.

Schoolhouse to be used for school purposes only. 16. *And be it enacted*, That the money that shall be raised by tax under this act, shall be used and applied to the purpose or purposes for which it was raised; and it shall be the duty of the trustees of said district to prohibit the public school house, that shall be erected in the district under this act, from being used or occupied for any purpose whatever, other than the use of the public school in said district, for a district school library, and for holding public meetings of the inhabitants in the district for school purposes, as authorized by this act, unless by the consent of a majority of the taxable inhabitants residing in said district.

Penalty for neglect of duty by officers. 17. *And be it enacted*, That the clerk, treasurer, and trustees of said school district shall, each and severally, be liable to a penalty of ten dollars for neglect of every duty required of them by this act, which may be sued for and

recovered in an action of debt, by any taxable inhabitant residing in said district, in the name of the district, for the use of the public school in said district, before any justice of the peace in said township of Pequannock; *provided*, Proviso. before any justice of the peace in said township shall issue process in such suit, he shall first require to be filed in his office the affidavits of three taxable inhabitants residing in said school district, setting forth that there exists just cause for such action.

18. *And be it enacted*, That children, not residing in the said district, may be admitted in the public school in said district on such terms as the trustees shall prescribe. Children not residing in district may be admitted.

19. *And be it enacted*, That if any person shall think himself aggrieved by any assessment made by virtue of this act, he may appeal to the commissioners of appeal in cases of taxation, as provided in the eighth section of "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six. Appeal from assessments.

20. *And be it enacted*, That all acts and parts of acts, coming within the purview of this act, and being repugnant thereto, be, and the same are hereby repealed, so far as they relate to or concern the said school district number seven, in the township of Pequannock, in the county of Morris. Former acts repealed.

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

Approved March 13, 1851.

AN ACT to repeal parts of certain acts relative to the mode of voting at town meetings in the township of Bedminster, in the county of Somerset.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such parts of an act entitled, "An act to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset; and of the townships of Randolph, Chester, and Rockaway, in the county of Morris; and of the township of West Windsor, in the county of Mercer; and of the township Part of former act repealed.

of Washington, in the county of Bergen; and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren; and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings," approved March fourteenth, eighteen hundred and forty-six, and of the supplement thereto, approved February twenty-fourth, eighteen hundred and forty-eight, as relate to the township of Bedminster, in the county of Somerset, be, and the same are hereby repealed.

When act to take effect.

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

Approved March 13, 1851.

AN ACT TO AUTHORIZE THE INHABITANTS OF SCHOOL DISTRICT NUMBER SIXTEEN, IN THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS, TO RAISE MONEY FOR SCHOOL PURPOSES.

AN ACT to authorize the inhabitants of school district number sixteen, in the township of Hanover, in the county of Morris, to raise money for school purposes.

Inhabitants of districts authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxable inhabitants of school district number sixteen, in the township of Hanover, in the county of Morris, shall be, and the same are hereby authorized to raise money for purposes and in manner herein after prescribed.

Officers to be chosen.

2. *And be it enacted*, That at the annual meeting, to be held on the first Monday of April, in each year, the taxable inhabitants of said school district shall choose, by a plurality of votes, besides trustees, as now required by law, a clerk, who shall be sworn or affirmed, and a treasurer, who shall hold their respective offices until the next annual meeting and until others are chosen and appointed and duly qualified, as herein after prescribed; *provided*, in case a vacancy shall occur, by reason of the district failing to appoint either or both of the officers named in this section, or by death, removal from the district, or otherwise, then it shall be lawful for the trustees of said district to make such appointment and to fill such vacancy; and the person or persons, so appointed, shall hold their respective offices until the next annual meeting and until others shall be chosen or appointed, and duly qualified, as aforesaid; and any person, so chosen or appointed, who shall refuse or

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neglect to perform the duties of the office, shall pay five dollars to the treasurer of the district, for the use of said district.

3. *And be it enacted*, That the treasurer of said district, before he enters upon the duties of his office, shall, when required by the trustees of said district, give bond, to said trustees, in such amount as shall be prescribed by the trustees of said district, and with such sureties as shall be approved by the trustees of said district, for the faithful discharge of his duties; and shall receive and take care of all money, leases, bonds, notes, and other securities of the funds or property of the district, except those especially intrusted to others by the donor or grantor, or by law, and deliver and pay over the same only to the written order of the trustees, or a majority of them; which order shall state the purpose for which it was given, and be made payable to the order of, and endorsed by the person entitled to receive it, and he shall render a full and true account thereof at each annual meeting. Treasurer to give bond.

4. *And be it enacted*, That it shall be the duty of the clerk of said district, within three days after his appointment, before one of the justices of the peace in the said township of Hanover, to subscribe and take an oath or affirmation, that he will faithfully discharge his duty as clerk of said district; which oath or affirmation shall be delivered, by the justice of the peace taking the same, to the township committee, to be by them filed and kept; and it shall be the duty of the said clerk to enter in a suitable book, to be procured for the purpose, a correct description of the boundaries of said district, and also to keep a correct record of the proceedings of all meetings of the inhabitants of the district lawfully convened for the transaction of business, pertaining to the building, repairing, or furnishing a school house in said districts, copies of which, duly attested, shall be legal evidence in all courts of law. Duties of clerk.

5. *And be it enacted*, That the legal voters of said school district shall, on the first Monday of April, as aforesaid, when met for the election of trustees, ascertain, by a majority of votes, how much money shall be raised by taxation, within the said district, for the purpose of building, repairing, and furnishing a school house in said school district, and for the purpose of purchasing land, when required, not exceeding two acres, whereon the said school house may be erected; *provided*, that the amount of said money, so to be raised, shall in no case exceed the sum of three hundred dollars annually; and it shall be the duty of the clerk, at any time after the fourth Monday in April, in each Mode of raising money.

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year, to certify to the assessor of the township of Hanover, aforesaid, the sum voted by the said district to be raised; and the said assessor shall assess, on the estates of the inhabitants of the said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, all moneys voted to be raised as aforesaid, which said assessment shall be levied and collected in the same manner that other township taxes are levied and collected.

Money collected to be paid to treasurer.

6. *And be it enacted*, That it shall be the duty of the township collector of Hanover, aforesaid, to pay the tax money, which he shall have received under the directions of this act, to the treasurer of said district, by the first day of February next ensuing; and in case of failure shall be liable to prosecution, in the same manner as provided in the twenty-fifth section of the act entitled, "An act concerning taxes;" and for the money so paid, the said treasurer shall give a receipt, which shall be a sufficient voucher to exonerate and discharge the said township collector to the amount therein named.

Schoolhouse to be used for school purposes only.

7. *And be it enacted*, That the money that shall be raised by tax under this act, shall be used and applied only to the purpose or purposes for which it was raised; and it shall be the duty of the trustees of said district to prohibit the school house that shall be erected in said district, under this act, from being used or occupied for any purpose whatever, other than the use of the public school in said district, for a district school library, and for holding public meetings of the inhabitants in the district for school purposes, as authorized by this act.

When act to take effect.

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

Approved March 13, 1851.

A further supplement to an act entitled, "An act to incorporate the city of Newark."

Boundaries of sixth ward

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at the southerly terminus of Broad street, in the boundary line between the city of Newark

and Clinton township, and in the middle of said street; thence running, along the middle of said street, to a point opposite the middle of High street; thence, along the middle of High street, to a point opposite the middle of Bank street; thence westwardly, along the middle of Bank street, to its junction with a road leading to Orange, formerly known as the Crane road; thence northwestwardly, along the middle of said Crane road, to the boundary line between the city of Newark and township of Orange; thence in a southerly direction, along the boundary line between the city of Newark and the townships of Orange and Clinton, to the place of beginning, shall be, and the same is hereby erected into and constituted a separate ward, to be called the sixth ward of the said city.

2. *And be it enacted*, That all that part of the city of Newark, beginning at the point where Mill brook empties into Passaic river; thence, up the middle of Mill brook, to the middle of High street; thence, in a southerly direction along the middle of High street, to a point opposite the middle of Bank street; thence westwardly, along the middle of Bank street, to its junction with a road leading to Orange, formerly known as the Crane road; thence northwestwardly, along the middle of said Crane road, to the boundary line between the city of Newark and the township of Orange; thence, along the boundary line between the city of Newark and the townships of Orange, Bloomfield, and Belleville, according to the several courses thereof, to the Passaic river; thence southerly, along the Passaic river, to the place of beginning, shall be; and the same is hereby erected into and constituted a separate ward, to be called the seventh ward of the said city. Boundaries of seventh ward.

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

4. *And be it enacted*, That an election by ballot shall be held, in each of the wards hereby constituted, on the first Tuesday after the first Monday of November, in every year hereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published, as prescribed in the fifth section of the act to which this is a supplement; at which election three aldermen (except as is herein after provided), one assessor, one collector, one judge of election, two inspectors of election, Ward elections.

one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two commissioners of public schools (except as is herein after provided), and three constables, shall be chosen in each of the wards hereby created, from among the citizens residing therein, and entitled to vote at such elections; and the common council shall appoint a judge and two inspectors of election, and one person to be a clerk of such board of election, in each of the said wards hereby created, under whose direction the first election in each of the said wards, to be held on the first Tuesday after the first Monday of November next, for the election of city, county, and state officers, shall be conducted; and the said elections shall be conducted in the same manner, and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the tenth section of the act, to which this is a supplement, shall apply and be extended to the judges and clerk of the board, for the first election to be held under this act; and the person appointed clerk of such board shall procure election boxes for said wards, in like manner as therein prescribed; and the term of office of such officers, as shall be elected under this section, shall commence on the first Tuesday after the first day of January, in each and every year.

Aldermen of sixth and seventh wards.

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

Commissioners of public schools.

6. *And be it enacted*, That at the first, or a subsequent meeting of the board of education, after the first Tuesday after the first day of January next, the commissioners of public schools, elected for the wards hereby created, shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and, from and after the first Tuesday after the first day of January next, all the

provisions of an act entitled, "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, shall be construed to extend and apply to the wards hereby created, in like manner, and to the same extent, as to the other wards of the city of Newark.

7. *And be it enacted*, That there shall be, in each one of the wards hereby created, one special police justice, who shall be appointed by the Senate and General Assembly in joint meeting, and shall hold their office for the like term, and have the like powers and authority as the other special police justices in and for said city. Special justices.

8. *And be it enacted*, That so much of the third section of the act, to which this is a supplement, as limits the number of aldermen in and for said city to sixteen, the number of assessors and collectors, respectively, to four, and of constables to twelve, and so much of said act, or of any supplement thereto, as is inconsistent with the provisions of this act, be, and the same are hereby repealed. Part of former act repealed.

9. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before said first Tuesday after the first day of January, in the year eighteen hundred and fifty-two, to appoint one special police justice in each of said wards, who shall enter on the duties of their office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said wards and the due conducting the first election under this act; and the clerk of the board for such election shall also provide, in due season, before the said first Tuesday after the first day of November next, proper election boxes for the use of the wards, as is herein before enjoined. Foregoing sections, when to take effect.

10. *And be it enacted*, That, notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or hereditaments, in the city of Newark, in assessing the taxes thereon, such assessment shall be a lien, valid and effectual in law, against said lands, tenements, and hereditaments, and the same may be proceeded against and be sold by the collector of arrears of taxes for the ward in which Lands may be sold for payment of taxes.

such lands shall be assessed, in the manner prescribed by the act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," passed March fourth, one thousand eight hundred and forty-one.

Vacancies,
how supplied

11. *And be it enacted*, That if any person elected to any office at the annual charter election, or elected to any office under an act entitled, "An act to alter the time of holding the charter election of the city of Newark," approved on the twenty-third day of February, in the year one thousand eight hundred and fifty, or elected to any office under an act entitled, "An act to establish public schools in the city of Newark," approved on the thirteenth day of February, in the year one thousand eight hundred and fifty, shall not qualify according to law, for the space of forty days after the first Tuesday after the first day of January succeeding such election, or if any person or persons, elected to fill any vacancy or vacancies in any of the said offices, shall not qualify according to law, for the space of forty days after they are respectively elected, such office shall be deemed vacant; and in case of the death or resignation, or disability from any cause, of any person or persons who shall have been so qualified to fill any of said offices, such offices shall be deemed vacant, and all such vacancies shall be filled in the manner directed by the charter of said city; *provided nevertheless*, that it shall be lawful for the said common council, themselves, to proceed to fill any such vacancy, excepting when the same has occurred in the office of mayor or alderman.

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Time of opening and closing polls.

12. *And be it enacted*, That the polls for the election of all officers, directed to be elected at the annual charter election of the city of Newark, shall open and close at the same hours as now are, or hereafter may be by law fixed for the election of members of the General Assembly of this state; and the last charter election is hereby declared to be valid, notwithstanding the polls may have been opened at eight o'clock in the forenoon.

Chosen freeholders.

13. *And be it enacted*, That the chosen freeholders, elected at the last annual charter election of the city of Newark, shall continue in office until the second Wednesday of May, in the year eighteen hundred and fifty-two, and that the term of office of the chosen freeholders, hereafter to be elected for the city of Newark, shall commence on the second Wednesday of May after their election.

Common council may expel member, &c.

14. *And be it enacted*, That the common council shall be the judge of the election, return, and qualification of its own members, have power to compel the attendance of

members, to expel a member for improper conduct, by a vote of two-thirds of the members, after five days' notice, and opportunity of being heard has been given to him.

15. *And be it enacted*, That it may be lawful for the common council to take, for the purpose of enlarging the present public market place, called the centre market, and for the purpose of sewers and drains, such lands or other real estate and appurtenances as the common council determine to be requisite, compensation being first ascertained and paid therefor, in the same manner as is now provided when lands are taken for public streets; and all enactments inconsistent herewith are hereby repealed, and the provisions relating to the mode the city shall be reimbursed; expenditures for drains and sewers shall be unaffected hereby.

Common council may take lands for public uses.

16. *And be it enacted*, That when any damages for opening, widening, or altering any street, road, highway, or alley, or for taking lands, or other real estate and appurtenances, under the preceding section, shall be awarded to any person or persons who cannot be found, on reasonable inquiry, or to any person or persons who is or are minors, insane, or who are laboring under any disability which prevents a good and legal tender being made to him, her, or them; and when no legal tender can be made to any one in his, her, or their behalf, then it shall be lawful for the common council to pay the amount so awarded into the circuit court of the county of Essex, to be disposed of under the order of the said court; and on the amount so awarded being paid into court as aforesaid, the common council may proceed to take possession of, and appropriate the said land or real estate and appurtenances in the same manner as if an actual payment of the said damages had been made.

Damages awarded may be paid into circuit court.

17. *And be it enacted*, That, at the next charter election, in the north, south, east, west, and fifth wards, of the city of Newark, there shall, respectively, be elected one alderman, whose terms of office shall be for two years from the first Tuesday after the first day of January thereafter; and each of said wards shall thereafter, at each annual charter election, elect one alderman for a like term.

Aldermen of north, south, east, west, and fifth wards.

18. *And be it enacted*, That, after the expiration of the terms of office of the several special police justices of the respective wards of the said city, there shall be but one special police justice in each ward; and that no such justice shall be appointed to act in any ward, until the office of both of the present police justices of such ward has expired.

19. *And be it enacted*, That the provisions of the fifth section of an act entitled, "A further supplement to an act

Provisions of former act extended.

entitled, an act to incorporate the city of Newark," approved February tenth, eighteen hundred and forty-seven, shall extend to all notices authorized or required under the first section of an act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," approved February fifteenth, eighteen hundred and fifty, and to all notices authorized or required to be given by the street commissioner by the charter of the city of Newark, or any of the supplements thereto, or any of the ordinances of said city.

Commissioners to make assessments.

20. *And be it enacted*, That whenever the charter of the city of Newark, or any of the supplements thereto, provides for the appointment of commissioners or disinterested freeholders to make assessments, one from each ward, such acts shall not be construed to mean that more commissioners or freeholders than are mentioned in such act shall be appointed, but that no two of such commissioners or freeholders shall reside in the same ward at the time of their appointment.

21. *And be it enacted*, That the third section of an act entitled, "A further supplement to an act entitled, an act to incorporate the city of Newark," approved March twenty-sixth, eighteen hundred and forty-five, shall be so construed as to authorize the appointment of commissioners from time to time for the purposes in said section expressed; nor shall the same be construed so as to require more than four commissioners; but no two of said commissioners shall reside in the same ward at the time of their appointment.

Resolutions to be presented to mayor for approval.

22. *And be it enacted*, That every resolution of the common council shall be presented to the mayor, or, in case of the death, absence, or disability of the mayor, to the person on whom the duties of mayor shall for the time being devolve, by the clerk of the common council, on the day next succeeding that of the meeting of the common council, at which the same was passed; and if he approve of it, the same shall be signed by him, and if not, he shall return the same, with his objections, to be filed with the clerk, within five days thereafter; and the said common council may, at its next meeting, proceed to reconsider the resolution so returned, and if a majority of all the members of the board shall then agree to pass the same, it shall take effect; but, in every such case, the votes shall be taken by ayes and noes, and entered in the journal; and if such resolution shall not be returned within five days, as aforesaid, it shall take effect in like manner as if he had signed it.

Clerk of common council to be city clerk.

23. *And be it enacted*, That so much of the sixth section of an act entitled, "An act to incorporate the city of

Newark," passed February twenty-ninth, eighteen hundred and thirty-six, as provides for the election of a clerk in and for the said city, be, and the same is hereby repealed, and that, from and after the first Tuesday after the first day of January next, the clerk of the common council for the time being shall possess the power and perform the duties imposed by the said act, and its several supplements, upon the clerk of said city; and all papers, heretofore required by law to be filed with the clerk of said city, shall be filed with the clerk of the common council, and be carefully preserved by him; *provided*, that the oaths or affirmations Proviso. required to be taken and subscribed by the charter of the city of Newark, and its several supplements, shall be taken and subscribed before the mayor, or the person acting as such, of the said city, or the clerk of the common council, who are hereby, respectively, authorized to administer the same, which oaths or affirmations shall be filed and preserved by the said clerk in his office.

24. *And be it enacted*, That the seventh section of an Macadamizing streets. act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," approved February twenty-eighth, eighteen hundred and forty-nine, providing for the grading, gravelling, paving, flagging, or planking streets, or sections of streets, in the city of Newark, shall be, and are extended in like manner to the Macadamizing of streets, or sections of streets.

25. *And be it enacted*, That this act shall take effect immediately, excepting so far as provision is made herein for When act to take effect. certain parts of the same to take effect at a future day.

Approved March 13, 1851.

AN ACT to confirm the official acts of James Gulick, a judge of the inferior court of common pleas of the county of Ocean, and of the clerks, surrogates, and sheriff of said county.

WHEREAS it is represented that doubts exist as to the Preamble. validity of the official acts of James Gulick, a judge of the inferior court of common pleas of the county of Ocean, and also, as to whether the late and present clerk

and surrogate of said county were or are duly qualified to act as such; and whether Joseph Parker was, or is now, duly elected and qualified to act as sheriff of said county, inasmuch as there was but one judge (the said James Gulick) appointed for said county, and no clerk, duly qualified, before whom he could take the official oath prescribed by law, and therefore no duly qualified judge who could administer the official oaths to the clerk and surrogate, and no judges to approve the bonds of said clerk and surrogate and sheriff, as prescribed by law, or before whom the official oath of the sheriff could be taken; and whereas the said James Gulick did take the oath of office prescribed by law before the clerk of said county, and the said clerks and surrogates and sheriff were sworn in, and their bonds submitted to and approved by the said judge, and said officers severally proceeded to discharge the official duties which devolved by law on said officers, respectively—now therefore,

Official acts
of officers
confirmed.

1. BE IT ENACTED *by the Senate and General Assembly the State of New Jersey*, That all and singular the official acts of said officers, respectively, heretofore done and performed, be, and they are hereby confirmed and declared to be as binding, valid, and effectual, as though the said officers, and each of them, had taken their respective official oaths or affirmations before officers duly authorized and qualified to administer the same, and the bonds of said clerks, surrogates, and sheriff had been approved by competent authority.

Elections
declared va-
lid.

2. *And be it enacted*, That no election, heretofore held in said county of Ocean, shall be deemed or taken to be invalid for or on account of any want of legal qualification of any clerk of said county to act as such clerk, but that all the acts of said clerk or clerks in the premises be, and they are hereby declared to be duly confirmed.

Licenses
confirmed.

3. *And be it enacted*, That all licenses for inns and taverns in the said county of Ocean, heretofore granted, shall be deemed and taken to be good, valid, and effectual in law.

Appoint-
ment of com-
missioners
confirmed.

4. *And be it enacted*, That the act of the aforesaid James Gulick, in appointing Abram O. S. Havens, William C. Jones, and Samuel S. Osborne (commissioners) to admeasure and set off dower to Elizabeth Miller, late Elizabeth Wooly, be, and the same are hereby declared valid, as though the same had been done by three judges of the

court of common pleas of said county, at a regular term of the orphans' court, held in and for said county of Ocean.

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

Approved March 13, 1851.

A supplement to an act entitled, "An act respecting bridges," 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 when it shall be necessary to erect, repair, or rebuild any bridge, in a township in the counties of Monmouth and Hunterdon, 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 township, or the chosen freeholders of the townships, in which said bridge is proposed to be erected, repaired, or rebuilt, 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 or 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 any moneys in his hands. Proviso.

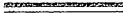
2. *And be it enacted*, That when it shall be necessary to erect, rebuild, or repair any bridge in a township in the counties of Monmouth or Hunterdon, or between any two townships in said county, the expense whereof shall not exceed fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the chosen freeholder within Proceedings when repairs shall not exceed \$50.

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.

When act to
take effect.

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

Approved March 13, 1851.



A further supplement to the act entitled, "An act to erect a part of the township of Nottingham, in the county of Mercer, into a borough, to be called the borough of South Trenton," passed the twenty-eighth day of February, eighteen hundred and forty.

Preamble.

WHEREAS the inhabitants of the borough of South Trenton, in town meeting assembled, on the first Monday in May, eighteen hundred and fifty, did vote to raise by tax the sum of three hundred dollars, to be appropriated to the fire companies of said borough; and whereas the burgesses of said borough have doubts as to their right, under the borough charter, to appropriate the same in the manner directed by the inhabitants—therefore,

Burgesses
authorized
to pay appro-
priation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appropriations which have been, or hereafter may be ordered and directed by the inhabitants of the borough of South Trenton, at their annual town meetings, to be made to the fire companies of said borough, shall be paid to them by the burgesses of said borough, in like manner as other moneys for borough purposes are distributed and paid over.

Approved March 13, 1851.

AN ACT to authorize the formation of societies for the protection of property.

1. BE IT ENACTED *by the Senate and General Assembly* Election of directors. *of the State of New Jersey*, That it shall be lawful for any ten or more citizens of this state, being legal voters, to meet at such time and place, within the township in which they reside, of which time and place ten days' notice shall have been given, either by publication thereof in a newspaper of that vicinity, or by posting such advertisement in a conspicuous place therein; and, when met, to elect, by plurality of voices, six or more directors or trustees, who are hereby constituted a body politic and corporate, by the name of "the Protection Society, or Company, of the township of _____, in the county of _____," or by such other name as may then and there be assumed by them, or by such directors or trustees then or afterwards assumed.

2. *And be it enacted*, That such directors or trustees, Certificate to be recorded. first elected, shall, under their hands and seals, make a certificate of such proceeding to the clerk of the county in which the same may be had, who shall record the same; and thereupon such body politic and corporate, and their successors, shall have full power to make all necessary or useful orders, regulations, and by-laws, as shall to them appear expedient (and not inconsistent with the laws of this state) touching the management and disposition of the affairs and effects of the company.

3. *And be it enacted*, That such company shall have power to elect annually six or more directors or trustees, a secretary, treasurer, and such other officers and assistants as they shall deem necessary, take from them such security as they may deem expedient, by bond or otherwise, be able and capable in law to prosecute the same to effect, and generally to sue and be sued, defend and be defended, in all courts of judicature, and have and use a common seal for sealing all deeds, contracts, and other writings touching such corporation. Officers of society.

4. *And be it enacted*, That the capital stock of such corporation, not to exceed two thousand dollars, shall be used Amount of capital stock. and applied in defraying the expenses incident to the pursuit and detection of thieves of horses, mules, cattle, or other property, and for securing and advancing the aforesaid object, in such mode as to said company, or its directors or managers, shall seem most effectual.

5. *And be it enacted*, That any company, already formed

or incorporated for the objects specified in this act, or any of them, may avail itself of the benefits of this act, by complying with the provisions of the first and second sections thereof.

When act to
take effect.

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

Approved March 13, 1851.

AN ACT to validate and confirm certain devises in the last will and testament of Joseph Napoleon Bonaparte, count of Survilliers, formerly of the county of Burlington, and state of New Jersey.

Preamble.

WHEREAS Joseph Napoleon Bonaparte, count de Survilliers, in his lifetime, and at the time of his death, was seized in fee simple of considerable real estate within the state of New Jersey, and being so seized, afterwards, to wit: on the fourteenth day of June, in the year of our Lord one thousand eight hundred and forty, at London, in the kingdom of Great Britain, made his last will and testament, in writing, duly executed, according to the laws of said kingdom, to pass real estate, and therein did demise and bequeath to his grandson and godson, Joseph, son of Charles Bonaparte, and Zenaide, daughter of said testator, all his real estate in America, with the exception of a farm, called in said will the Groveville farm; and did in said will direct that his said grandson should have, from the day of the testator's decease, the naked possession of said real estate, and from the decease of said testator's wife (who is now deceased) the usufruct should be united to the entire ownership or title; and the said testator did therein further give and devise to Louis Mailliard the said Groveville farm, containing two hundred and fifty acres, more or less; and whereas, also, the said testator, afterwards, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and forty-one, at Florence, in the grand duchy of Tuscany, made a codicil to said last will and testament, duly executed according to the laws of that place, in which he ratified and confirmed his said last will, and

every part thereof; and, after the death of the said Joseph Napoleon Bonaparte, the said will and codicil were severally proved in due form, according to the laws of the said places, respectively; and having been so proved, a duly certified copy thereof was afterwards, in due form of law, recorded in the office of the surrogate of the county of Burlington, and letters testamentary granted thereon to Louis Mailliard, one of the executors in the said testament named, who has taken upon himself the burthen of the execution thereof; and whereas doubt has arisen as to the execution of said will and codicil, the said will having been executed in the presence of two subscribing witnesses, and the said codicil, ratifying and in all things confirming the said will, having been acknowledged and published by the said testator in the presence of six witnesses, who were present and attested the same, at the request of the said testator—

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last will and testament of the said Joseph Napoleon Bonaparte, made and dated at London, on the fourth day of June, in the year of our Lord one thousand eight hundred forty, and the codicil thereto, ratifying and republishing said will, made and dated at Florence, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and forty-one, as recorded in the surrogate's office in the county of Burlington, be, and the same are hereby declared to be valid and effectual to pass and convey all the real estate of the said testator therein devised, within the state of New Jersey, and to vest the same in the said devisees, and those holding under them, in as full and ample a manner as the same was held by the said testator at the time of his death.

Approved March 13, 1851.

AN ACT to incorporate the Mullica Hill and Pele Tavern 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-

rate, in fact and in law, by the name of "the Mullica Hill and Pole Tavern Turnpike Company;" and that the following named persons, Moses Richmond, esquire, Joseph Jessup, Samuel Dean, Doctor Joseph Cook, Samuel Borton, Asa Moore, Harman Richmond, Richard W. Ware, Samuel E. Moore, Amos Gardiner, Israel Pancoast, Thomas J. Folwell, John W. Hazleton, 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 Salem and Gloucester county newspapers.

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-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 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.

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 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 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 their 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 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 statement 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 or plank road, from the termination of the Woodbury and Mullica Hill turnpike, in the village of Mullica Hill, in Gloucester county, to the Pole tavern, in Salem county, following the line of the commissioners' road to Dean's corner, in Salem county; thence in a straight line to the

place of termination; 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, 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; 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 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.

Proviso.

Proceedings
in case owners
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 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 com-

Proviso.

pany 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 Salem, 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 the 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 clerks of the said counties of Gloucester or Salem, 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 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 costs 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 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 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 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 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 Mullica Hill or the Pole tavern; 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 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.

12. *And be it enacted,* That all drivers of carriages, sleighs, or sleds, of every kind and description, whether of

Mile stones
or posts to
be erected.

Penalty for
injuring
works.

Penalty for
illegal tolls
or delaying
travellers.

Penalty for
obstructing
passage.

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.

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

13. *And be it enacted*, That if 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 Gloucester or 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 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 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 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 person 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 residents 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.

14. *And be it enacted*, That when the board of chosen freeholders of the counties of Gloucester or Salem, 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 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. Freeholders may take road, on payment of cost.

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 Salem, 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 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.

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 Mullica Hill and Pole Tavern Turnpike Company (a majority of the stockholders so determining) to construct a branch road from Dean's corner to Daretown, Pittsgrove township, Salem county, said branch to be constructed and kept in repair, subject to all the regulations and liabilities specified in the aforesaid bill. Branch road may be constructed.

Approved March 14, 1851.

AN ACT authorizing the incorporation of rural cemetery associations.

Formation of associations authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons residing in this state, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands to be used exclusively for a cemetery or place for the burial of the dead, may meet at such time and place as they, or a majority of them, may agree, and appoint a chairman and secretary, by the vote of a majority of the persons present at the meeting, and proceed to form an association, by determining on a corporate name by which the association shall be called and known, and the number of trustees to manage the concerns of the association, which number shall not be less than six nor more than twelve, and thereupon may proceed to elect by ballot the number of trustees so determined on; and the chairman and secretary shall, immediately after such election, divide the trustees by lot into three classes; those of the first class to hold their office one year, those in the second class two years, and those in the third class three years; but the trustees of each class may be reelected if they shall possess the qualification herein after mentioned; the meeting shall also determine on what day in each year the future annual elections of trustees shall be held.

Certificate of incorporation to be made.

2. *And be it enacted*, That the chairman and secretary of the meeting shall, within three days after such meeting, make a written certificate, and sign their names thereto, and acknowledge the same before an officer authorized to take the proof and acknowledgment of conveyances in the county where such meeting shall have been held, which certificate shall state the names of the associates who attended such meeting, the corporate name of the association determined upon by the majority of the persons who met, the number of trustees fixed on to manage the concerns of the association, the names of the trustees chosen at the meeting, and their classification, and the day fixed on for the annual election of trustees; which certificate it shall be the duty of the chairman and secretary of such meeting to cause to be recorded in the clerk's office in the county in which the meeting was held, in a book to be appropriated to the recording of certificates of incorporation.

Officers of association.

3. *And be it enacted*, That upon such certificate, duly acknowledged as aforesaid, being recorded, the association mentioned therein shall be deemed legally incorporated,

and shall have and possess the general powers and privileges of a corporation; the affairs and property of such associations shall be managed by the trustees, who shall annually appoint from among their number a president and a vice president, and shall also appoint a secretary and a treasurer, who shall hold their places during the pleasure of the board of trustees; and the trustees may require the treasurer to give security for the faithful performance of the duties of his office.

4. *And be it enacted,* That any association incorporated under this act may take, by purchase or devise, and hold, ^{Trustees may sell and convey lots.} within the county in which the certificate of their incorporation is recorded, not exceeding twenty acres of land, to be held and occupied exclusively for a cemetery for the burial of the dead; such land, or such parts thereof as may from time to time be required for that purpose, shall be surveyed, and subdivided into lots or plats of such size as the trustees may direct, with such avenues, paths, alleys, and walks as the trustees deem proper, and a map or maps of such surveys shall be filed in the clerk's office of the county in which the land shall be situated; and after filing such map, the trustees may sell and convey the lots or plats designated on such map upon such terms as shall be agreed, and subject to such conditions and restrictions, to be inserted in or annexed to the conveyances, as the trustees shall prescribe; the conveyances to be executed under the common seal of the association, and signed by the president or vice president and the treasurer of the association; any association incorporated under this act may hold personal property to an amount not exceeding five thousand dollars, besides what may arise from the sale of lots or plats.

5. *And be it enacted,* That the annual election for trustees to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will supply the places of those whose term expires; the trustees chosen at any election, subsequent to the first, shall hold their places for three years and until others shall be chosen to succeed them; the election shall be by ballot, and every person of full age who shall be proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot; and the persons receiving the largest number of ^{Annual election of trustees.}

the votes given at such election, shall be trustees to succeed those whose term of office expires ; but in all the elections after the first, the trustees shall be chosen from among the proprietors of lots or plats ; and the trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office ; public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.

Trustees to
make annual
statement.

6. *And be it enacted*, That the trustees, at each annual election, shall make reports to the lot proprietors of their doings, and of the management and condition of the property and concerns of the association ; if the annual election shall not be held on the day fixed in the certificate of incorporation, or if, from any cause, trustees should not be then elected, the trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place at which time the election may be held, with like effect as if holden on the day fixed on in the certificate ; the office of the trustees chosen at such time to expire at the same time as if they had been chosen at the day fixed by the certificate of incorporation.

Proceeds of
sale of lots,
how appro-
priated.

7. *And be it enacted*, That all lots or plats of ground designated on the maps filed as aforesaid, and numbered as separate lots by the incorporation, shall be indivisible, but may be held and owned in undivided shares ; one half at least of the proceeds of all sales of lots or plats shall be first appropriated to the payment of the purchase money of the lands acquired by the association, until the whole purchase money shall be paid, and the residue thereof to preserving, improving, and embellishing the said cemetery grounds, and the avenues and roads leading thereto, and to defraying the incidental expenses of the cemetery establishment ; and after the payment of the purchase money, and the debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment, and preservation of such cemetery and for incidental expenses, and to no other purpose or object.

Penalty for
injuring pro-
perty.

8. *And be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, building, or other structure, placed in any cemetery of any association incorporated under this act, or any fence, railing, or other work for the protection or ornament thereof, or of any tomb, monument, or grave-stone, or other structure aforesaid, or of any lot or plat within such cemetery, or shall wilfully destroy, cut, break,

or injure any tree, shrub, or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor; and such offender shall also be liable in an action of trespass, to be brought in all such cases in the name of such association, to pay all such damages as shall have been occasioned by his unlawful act or acts; such money, when recovered, shall be applied by the trustees to the reparation or restoration of the property so destroyed or injured.

9. *And be it enacted*, That any association, incorporated pursuant to this act, may take and hold any property, real or personal, bequeathed or given upon trust, to apply the income thereof, under the direction of the trustees of such association, for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences, or walks erected, or to be erected, upon the lands of such cemetery association, or upon the lots or plats of any of the proprietors, or for the repair, preservation, erection, or renewal of any tomb, monument, gravestone, fence, railing, or other erection in or around any cemetery lot or plat, or for planting and cultivating trees, shrubs, flowers, or plants in or around any such lot or plat, or for improving or embellishing such cemetery, or any of the lots or plats, in any other manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise, or bequest.

What property may be held.

10. *And be it enacted*, That the cemetery lands and property of any association, formed pursuant to this act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purpose of a cemetery, and, during that time, no street, road, avenue, or thoroughfare shall be laid through such cemetery, or any part of the lands held by such association for the purposes aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state.

Property to be exempt from tax.

11. *And be it enacted*, That whenever the said land shall be laid off into lots or plats, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat, from the time of such interment, shall be for ever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend or go to the heirs-at-law or devisee of such holder or proprietor;

Lots to be inalienable.

Proviso.

provided nevertheless, that any one or more of such heirs-at-law may release to any other of the said heirs-at-law his or their interest in the same, on such conditions as shall be agreed on and specified in such release, a copy of which release shall be recorded in the clerk's office of the county within which the said cemetery shall be situated; *and provided further*, that the body of any deceased person shall not be interred in any such lot or plat, unless it be the body of a person having at the time of such decease an interest in such lot or plat, or the relative of some person having such interest, or the wife of such person, or her relative, except by the consent of all persons having an interest in such lot or plat.

Proviso.

When act to take effect.

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

Approved March 14, 1851.

An act to authorize the purchasers of lots in a certain tract of land, situate in Hudson county, belonging to the heirs of the late John B. Coles and Isaac W. Coles, deceased, to obtain building loans, for the improvement of said tract, at a higher rate of interest than six per cent.

Preamble.

WHEREAS it has been represented to the legislature of the state of New Jersey, by the petition of John B. Coles and others, heirs and executors of the late John B. Coles and Isaac W. Coles, deceased, that they are the owners and legal representatives of a certain undivided tract of land, situate between Jersey City and Hoboken, at Pavonia, in the township of Van Vorst, county of Hudson, in this state; that said tract has been laid out into building lots, and a wharf or pier, of about twelve hundred feet in length and eighty feet wide, has been erected, extending, across Harsimus bay or cove, into the Hudson river; that extensive improvements, by grading, sewer-ing, and making a canal, &c., have been made by them on said tract, at a cost exceeding two hundred thousand dollars; that they are still engaged in grading, and otherwise improving, said property, and that the said tract will afford accommodation for about thirty thousand

inhabitants; and it being further represented by said petitioners, that, notwithstanding the said large expenditure in making said improvements, the said petitioners have been able to sell comparatively few of said lots, in consequence of the rate of interest being six per cent. in this state, and seven per cent. in the state of New York, thereby rendering it difficult for purchasers to borrow money for the erection of buildings and improvements on the lots purchased; and that if purchasers were allowed to pay seven per cent. interest for money, the said tract would be speedily settled, and consequently increase the population and wealth of that portion of the state in which said tract is situate; and the prayer of said petition appearing to be just and reasonable and conducive to the interests of this state—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the purchaser or purchasers from the present owners, their heirs, executors, and assigns, of any lot or lots on the said above mentioned tract of land, situate at Pavonia, in the township of Van Vorst, county of Hudson, in this state, in cases where money shall be borrowed from nonresidents in this state, for the erection of buildings and other improvements thereon, and the payment thereof secured by bond and mortgage on the lot or lots so purchased, to pay interest on all such building loans or sums of money that may be so borrowed, not exceeding the rate of seven per centum per annum; and that such special contract or contracts shall be legal and valid, any statute or law to the contrary thereof notwithstanding.

Seven per cent. interest authorized in certain cases.

2. *And be it enacted*, That this act shall take effect immediately, and the legislature may, at any time hereafter, alter, modify, or repeal the same.

Act may be repealed.

Approved March 14, 1851.

AN ACT to confirm a certain deed, made by Aaron Bennett, as guardian of James C. Bennett and others, to Lemuel Leaming.

WHEREAS the orphans' court of the county of Cape May, at a special term, holden on the fourth day of December,

Preamble.

eighteen hundred and forty-eight, upon the petition of Aaron Bennett, as natural guardian of James C. Bennett, Isabella H. Bennett, Sophia Bennett, Aaron Bennett, Henry Bennett, and Oceana Bennett, did, for the purpose of providing for the maintenance and education of said wards, order and decree that said guardian should sell two certain lots of land of said wards, situated in the Lower township of Cape May, on Cape Island, and numbered, in the map of the division of lands of Israel Hughes among his heirs, as numbers nine and fifteen; and the said guardian, in pursuance of said order and decree, made sale of said lands, and the said sale having been confirmed by the said orphans' court, the said Aaron Bennett, as guardian as aforesaid, executed to the purchaser, Lemuel Leaming, a deed of said lots of land, bearing date the seventeenth day of March, eighteen hundred and forty-nine; and whereas doubts may arise touching the regularity and validity of said proceedings of the said orphans' court and the validity of said deed of conveyance—for remedy whereof,

Deed of conveyance confirmed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid proceedings of the said orphans' court, and the said deed of conveyance, made by said Aaron Bennett to said Lemuel Leaming, as aforesaid, shall be, and the same are hereby declared valid and effectual in law; and the said deed is hereby confirmed and declared sufficient to pass the title of the lands therein mentioned to the said Lemuel Leaming, his heirs and assigns, according to the tenor of said deed.

Approved March 14, 1851.

AN ACT for the relief of the Baptist Society of the township of Mansfield, in the county of Warren.

Preamble.

WHEREAS the trustees of the religious society of Baptists, worshipping God at the Baptist church or meeting house near Port Murray, in the township of Mansfield, in the county of Warren, according to the doctrines and form of worship of the central New Jersey Baptist Association, as set forth in the minutes of said association for the year

eighteen hundred and thirty-nine, did prepare a certificate of the name of said society to be recorded in the clerk's office of said county of Warren, pursuant to the act entitled, "An act to incorporate trustees of religious societies," passed the twelfth of June, seventeen hundred and ninety-nine, which certificate was recorded in the clerk's office of said county on the eleventh day of July, eighteen hundred and forty-two, but did not clearly set out the corporate name of said society, two names being mentioned therein, and was informal in other respects; and whereas doubts have arisen respecting the true corporate name of said society; and whereas the trustees thereof have since purchased real estate, which has been conveyed to them by one of the names mentioned in said certificate, and have erected a church, or house for public worship, thereon, and have mortgaged the same to secure the payment of a debt bona fide due and owing by said society, and in the mortgage have used both names mentioned in said certificate; and whereas the said trustees have set forth, in their petition, that all their official acts in the premises have been done and performed in good faith, and have prayed that the true corporate name of said society may be fixed and determined by act of the legislature, and that the conveyances of real estate made to and by them, and the other official acts heretofore done by them, may be, by the same authority, made and declared to be valid and effectual in law—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the trustees of the Baptist society worshipping God at the Baptist church near Port Murray, in the township of Mansfield, in the county of Warren, shall be "the Trustees of the Mansfield Baptist church," and by that name they shall and may have and exercise the same rights and privileges, and be subject to the same liabilities and obligations, as any other religious society regularly incorporated according to the provisions of the act entitled, "An act to incorporate the trustees of religious societies," approved April seventeenth, eighteen hundred and forty-six.

2. *And be it enacted*, That all conveyances of land heretofore made to said society, or the trustees of said society, by the name of the trustees of the Mansfield Baptist church, or to the said trustees, as trustees of the Mansfield Baptist church, also called and known by the name of the Mansfield Baptist meeting house, are hereby declared to be valid and effectual in law, and shall vest in the trustees of said society, and their successors in office and assigns, as good

Style of incorporation.

Conveyances of land under former name made valid.

and sufficient titles to the lands and real estate purporting to be conveyed thereby, as would have been conveyed to them if the corporate name or names of said society, set forth in such deed or deeds, had been fully and clearly set forth and adopted by said trustees in the certificate of the corporate name of said society, recorded in the clerk's office of the county of Warren, as aforesaid.

Mortgages,
&c., made
valid.

3. *And be it enacted*, That all mortgages, or other conveyances of lands, and all other contracts heretofore made by the trustees of said society, as grantors or obligors, shall be good, valid, and effectual in law against them and their successors in office, being trustees of said society, and in favor of the grantees or obligees, whether the said trustees are styled in such conveyance or contract trustees of the Mansfield Baptist church, or trustees of said church, with any other addition or description, or by any other name; and all suits, either at law or equity, on such conveyances or contracts, or any of them, hereafter commenced, may be lawfully brought against the said trustees and their successors in office, and judgment lawfully recovered and enforced against them, by execution against the lands and tenements, goods and chattels, of said society, or other legal process, as trustees of the Mansfield Baptist church, although they may be described by another name or names, or by an addition to said name, in such conveyance or contract.

Certificate
of adoption
to be made
and recorded

4. *And be it enacted*, That the said trustees shall, immediately after the passing of this act, make out a certificate of their adoption of the corporate name of said society, as fixed hereby, which certificate shall be forthwith recorded in the clerk's office of said county of Warren; and the trustees of said society shall be deemed and taken to have been lawfully incorporated on the thirty-first day of January, in the year of our Lord one thousand eight hundred and forty-two.

Approved March 14, 1851.

AN ACT to incorporate the South Camden Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That Ebenezer Toole, William Champion, Nathan Davis, John M. Kaighn, Robert Y. Bonnin, John Capewell, James G. Capewell, Richard Feters, Abraham Browning, John W. Mickle, William J. Hawke, Elias Kaighn, and Charles M. Thompson, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "the South Camden Ferry Company."

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, Amount of capital stock. divided into shares of one hundred dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such instalment or instalments, and upon such notice, as the said company may, by their by-laws or otherwise, direct or appoint; and in case of a failure by any stockholder to pay his or her instalment or instalments, at the time and place mentioned and appointed for the payment thereof, or within ten days thereafter, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said company.

3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that every share of stock shall be entitled to one vote, by the holder or holders thereof, which may be given in person or by proxy; and that the board of directors of said company may, at any time hereafter, increase their capital stock to any amount not exceeding two hundred and fifty thousand dollars. Capital stock may be increased.

4. *And be it enacted*, That the affairs of the said corporation shall be managed by thirteen directors; and Ebenezer Toole, William Champion, John M. Kaighn, Nathan Davis, Robert Y. Bonnin, John Capewell, James G. Capewell, Richard Feters, Abraham Browning, John W. Mickle, William J. Hawke, Elias Kaighn, and Charles M. Thompson are hereby appointed the first directors, who shall serve until the first Monday in January next and until others are elected or chosen in their stead; and the said directors, or a majority of them, shall assemble, as soon as First directors.

convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall be a resident of this state, and who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding meeting, shall have power to appoint and fill such vacancy or vacancies until the next annual election; *provided always*, that no person shall be a director who is not a stockholder, and at least four of the said directors shall be citizens and residents of the state of New Jersey.

Proviso.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors held, at some place in the city of Camden, on the first Monday in January next; and that all subsequent annual elections of directors shall be held at such time and place, of which time and place notice shall be given by publishing the same in two of the newspapers printed in said city, at least four weeks previous to the day of such election; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in January next, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until others shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, who shall be a resident of this state, to serve until the next annual election of directors and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board or upon the call of the president.

Directors authorized to erect ferry.

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry from the foot of Ferry street, at Kaighn's point in the city of Camden, to such place or places in the city and county of Philadelphia, as may best serve the public convenience and interest of the said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may

build steamboats, vessels, and ferry boats, of such description and dimensions as the said board shall order and direct; *provided always*, that it shall be the duty of the said corporation to keep a steamboat or boats running all the year for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river, in the daytime, under the penalty of fifty dollars for each failure or refusal, to be sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *provided*, the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or imminently dangerous. Proviso.

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

For each passenger, five cents.

Single passenger, in wherry, ten cents.

For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests, and scow baskets to be rated according to the number of bushels they hold, for each bushel one cent; all articles having contained marketing to return free, if empty, otherwise to pay the usual rates.

For a two horse load, with or without the carriage, not otherwise rated, twenty-five cents.

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

A hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents.

Stove of cast iron, of six or more plates, ten cents.

Salt, plaster, grain, clover, and other grass seeds, per bushel, two cents.

Flour, beef, pork, iron, &c., per hundred weight, three cents.

Coffee per bag, chest, large trunk, &c., five cents.

Soap, candles, glass, chocolate, &c., per box, three cents.

Windsor chairs, per dozen, bureau, bedstead, clock case, &c., ten cents.

Lumber, per hundred feet, ten cents.

Live calves and fat hogs, per head, five cents.

Sheep and store hogs, per head, three cents.

Fat cattle, twenty-five cents.

Cow and calf, twenty cents.

Store cattle, horses, mules, &c., fifteen cents.

Sideboard, twenty cents.

Desks, secretaries, &c., fifteen cents.

Tables, stands, feather beds, mattresses, large chests of tea, five cents.

Crate or tierce of earthenware, hamper of bottles, fifteen cents.

Fresh shad per hundred, or herrings per thousand, twenty cents.

Carriages and drivers.

Every four wheel carriage drawn by four horses, sixty cents.

Every four wheel carriage drawn by two horses, thirty cents.

Every two wheel carriage drawn by two horses, twenty-five cents.

Every four wheel carriage drawn by one horse, twenty-five cents.

Every two wheel carriage drawn by one horse, twenty cents.

Market carriages, with their drivers, including fish wagons going to or from market, with four wheels, drawn by two horses, thirty cents.

Four wheels, drawn by one horse, twenty cents.

All passengers in carriages, except the driver, to pay the same as other passengers.

Carriages of burthen, to include charcoal, tin wagons, pedlars, &c., with their drivers, two horse loads, thirty-five cents.

Unloaded, twenty-five cents.

One horse load, twenty-five cents.

Unloaded, twenty cents.

For carrying hay, straw, hemp, flax, and other bulky articles, two horse load, fifty cents.

Unloaded, thirty cents.

One horse load, forty cents.

Unloaded, twenty cents.

Each additional horse or mule, fifteen cents.

Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free.

Charity schools, with their teachers, to pass free.

And the rates of ferriage and freight shall not at any time exceed double these rates; and all persons who desire it, shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows, not exceeding the sum of one dollar per quarter for each passenger.

8. *And be it enacted*, That dividends of so much of the profits of the company, as shall be advisable to the board of directors, shall be made, and paid to the stockholders semi-annually, at such stated periods as the said board shall determine; and at each annual meeting of the stockholders for the purpose of election, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts, and papers of the company, if required to do so by any person or persons being stockholders.

Semi-annual dividends to be made.

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace in this state, or any alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered, in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Penalty for injuring works.

10. *And be it enacted*, That this act shall continue in force for thirty years, and shall be deemed and taken as a public act.

Limitation.

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

When act to take effect.

Approved March 14, 1851.

A supplement to the act entitled, "An act to establish public schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the trustees of the school fund to appropriate, in the manner provided for in the first section of the act to which this is a supplement, the sum of forty thousand dollars, every year,

Appropriation for public schools.

for the support of public schools in this state; which sum shall be apportioned among the several counties, in the ratio of the population thereof, as ascertained by the last preceding census.

Additional appropriation.

2. *And be it enacted*, That the treasurer of this state is hereby directed to pay to the trustees of the school fund, on or before the first day of April, eighteen hundred and fifty-one, and on or before the first day of April of every year thereafter, the sum of forty thousand dollars, to be appropriated by them, in addition to the forty thousand dollars appropriated out of the annual income of the school fund, for the support of public schools in this state.

Examination of teachers.

3. *And be it enacted*, That in case the board of chosen freeholders in any county of this state, shall neglect to appoint a board of examiners, then it shall be the duty of the town superintendent, in connection with the trustees of the several school districts in such county, to meet at such times, in any school district, as the town superintendent shall appoint, to examine and license by certificate, under the hands and seals of the said town superintendent and trustees, or a majority of such of them as shall attend at the time appointed, a suitable person or persons as teachers of public schools within said district, having regard always to their scholarship and moral character; which license shall be restricted to the district where the same may be given, and may be revoked and renewed at the pleasure of the said town superintendent and trustees, or a majority of them; and no teacher shall be entitled to receive any amount of the public money, unless possessed of such license.

Distribution of appropriation.

4. *And be it enacted*, That the board of chosen freeholders shall, in the manner directed by the third section of the act to which this is a supplement, apportion among the several townships, in their respective counties, the money received from the treasurer for public schools, in the ratio of the number of children between the ages of five and eighteen years, as shall be ascertained by the last annual returns made to the several town superintendents, a copy of which return shall be transmitted by the same town superintendents to the boards of chosen freeholders of the respective counties.

District trustees to make out list of children.

5. *And be it enacted*, That the district trustees shall, in the manner prescribed by the ninth section of the act to which this is a supplement, make out a list of the children between the ages of five and eighteen years, and transmit the same to the town superintendents; and apportionments of the school money shall be made by the town superintend-

ents among the several school districts, in the ratio of the children therein, between the ages of five and eighteen years, unless otherwise made, as herein after authorized.

6. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount apportioned to their use, such further sum of money as they may deem proper for the support of public schools, not exceeding three dollars for each child contained in the lists transmitted by the several district trustees to the town superintendents, in the year previous to holding said town meetings; and it shall be the duty of the several town superintendents to report to the said town meetings the number of said children. Money may be raised by township.

7. *And be it enacted*, That it shall be the duty of the trustees of the several school districts to apply the money apportioned to their respective districts, or raised therein, to the establishing and maintenance of free schools in said district, in which shall be taught, free of charge, all the children between the ages of five and eighteen, desirous of attending the same, except such part thereof as shall be otherwise applied by virtue of the provisions herein contained. Application of money distributed.

8. *And be it enacted*, That the taxable inhabitants of the several school districts shall, at their annual district meetings, elect, by plurality of votes, three persons, being residents and tax payers in said district, to be trustees of said districts; and, at the first election held after this act shall take effect, they shall elect one of said trustees to hold his office for one year, one to hold his office for two years, and one to hold his office for three years, and afterwards one trustee shall be elected annually, to hold his office for three years; and in case of any vacancy, the same shall be filled by the election of a trustee, to hold for the unexpired term; *provided*, that the trustees may fill a vacancy, by choosing a trustee to hold his office until the next annual meeting. Election of trustees. Proviso.

9. *And be it enacted*, That when the trustees of any school district shall desire to become incorporated, they shall adopt a name, and, together with the town superintendent of the township or townships in which said district is situate, they shall make and sign a certificate, containing a description of the boundaries of said district, and the name by them adopted, which certificate shall be recorded by the clerk of the county within which said district is situate, and thereupon the said trustees and their successors shall, by the name so adopted, be a body politic and corporate, capable of suing Trustees may be incorporated.

and being sued, of making and using a common seal, of taking and holding such real estate as may be necessary for school houses, and of disposing thereof, and of taking, holding, and disposing of any other estate, real and personal, that may be devised, bequeathed, or given to them for the use of public schools in said district.

District may
be abolished.

10. *And be it enacted*, That whenever the trustees of any school district shall become incorporated, the said district shall not be abolished or altered without the consent of a majority of the taxable inhabitants of said district; and in case the same shall be abolished or altered, the town superintendents and the trustees shall make and sign a certificate thereof, and have the same recorded by the clerk of the county in which said district is situate.

Trustees
may purchase
land.

11. *And be it enacted*, That in case the trustees of any incorporated school district shall desire to purchase land, to build a school house thereon, or to build or enlarge a school house, or to expend in repairs a larger sum in any one year than twenty dollars, or to pay existing debts, or to dispose of or mortgage a school house, or to raise additional money for such purposes, or for maintaining free schools in said district, such trustees may call a meeting of the taxable inhabitants of said district, at some public place therein, by notices, signed by at least two of said trustees, setting forth the time and place and the purposes of such meeting, and set up in at least three public places in said district ten days before the day of meeting; and the said inhabitants, so met, shall have power, by the consent of two-thirds of those present, to authorize the trustees of said district to purchase land, to build a school house thereon, or to build, or enlarge, repair, sell, or mortgage a school house or school houses, and to appropriate the money apportioned to said district, or any part thereof, for that purpose, or to borrow money therefor, and to raise by taxation any such sum of money as two-thirds of the inhabitants so assembled shall agree to, in addition to the money apportioned to said district; and in case any money shall be ordered by a vote of two-thirds of said meeting, to be raised by taxation, two, at least, of said trustees shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate; which said assessor or assessors shall assess, on the estates of the inhabitants of said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; which said money shall

be assessed, levied, and collected at the time and in the same manner as other township moneys are or may be assessed, levied, and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such vote of a district meeting as aforesaid, to the superintendents of the township or townships in which said district is situate, for the use of said district, to be paid out, on the order of the trustees thereof, for the purposes directed by the district meeting so held as aforesaid.

12. *And be it enacted*, That the state superintendent of public schools shall have power to decide any disputes or controversies that may arise respecting the true construction of this act, and the act to which this is a supplement, and his decision, made in writing, and by him signed, and approved in writing by the attorney general, and delivered to any town superintendent or district trustee, shall be conformed to by all persons having notice thereof, until a different decision shall be made by the supreme court or any circuit court of this state. Disputes referred to state superintendent.

13. *And be it enacted*, That so much of the act to which this is a supplement, or any other act, as conflicts with the provisions herein contained, is hereby repealed; *provided*, that nothing in this supplement contained shall repeal or alter the provisions of any act providing for or regulating public schools, or taxation for school purposes, in any particular city, borough, township, ward, or district of this state. Part of former act repealed. Proviso.

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

Approved March 14, 1851.

A supplement to the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a poll tax of fifty cents shall be assessed upon every white male inhabitant of this state of the age of twenty-one years and upwards. Poll tax.

Mode of assessment.

2. *And be it enacted*, That all lands, and all personal estate within this state, whether owned by individuals or by corporations, shall be liable to taxation, subject to the exemptions herein after specified, and shall be assessed at the actual value thereof, at such rate per dollar as will be sufficient to produce the sum required, after deducting the poll tax.

What is considered real estate.

3. *And be it enacted*, That the term real estate, as used in this act, shall be construed to include all lands, all water power thereon or appurtenant thereto, and all buildings or erections thereon, affixed to the same, trees and underwood growing thereon, and all mines, quarries, and all fisheries.

What is personal estate.

4. *And be it enacted*, That the term personal estate, as used in this act, shall be construed to include goods and chattels of every description, including steamboats and other vessels, money, debts due from solvent debtors, whether on contract, note, bond, or mortgage, public stocks and stocks in corporations, whether within or without this state.

What persons and property are exempt from taxation.

5. *And be it enacted*, That the following persons and property shall be exempt from taxation, viz:

I. The property of the United States and of the state of New Jersey, and of all the counties, townships, cities, and boroughs in said state.

II. All colleges, academies, or seminaries of learning, public libraries, school houses, and all buildings erected and used for religious worship, the lands whereupon the same are erected, the furniture thereof, and the personal property used therein; pews in churches, grave yards not exceeding ten acres of ground, and all buildings erected and used exclusively for charitable purposes, with the lands on which they are erected and the furniture used therein; also the engines and apparatus of any individual or company used for extinguishing fires.

III. The polls of all revolutionary soldiers.

IV. So much of the property of incorporated companies, represented by the capital stock thereof, as by virtue of this act is taxed in the hands of the stockholders.

V. The polls of persons who, by reason of age, infirmity, or poverty, are (in the judgment of the commissioners of appeal in cases of taxation) unable to pay taxes.

Persons to be assessed in the ward or township where they reside.

6. *And be it enacted*, That the personal tax shall be assessed upon each inhabitant liable to a personal tax in the township or ward where he resides at the time of the assessment; and every person shall be assessed in the township or ward where he resides when the assessment is made,

for all lands then owned by him within said township or ward, either occupied by him or wholly unoccupied; and when the line between two townships or wards divides a farm or lot, the same shall be taxed, if occupied, in the township or ward where the occupant resides; and if unoccupied, each part shall be assessed in the township or ward in which the same shall lie, and this whether such division line be a township or ward line, or also a county line.

7. *And be it enacted*, That every person shall be assessed in the township or ward where he resides when the assessment is made, for all personal estate owned by him, including also all personal estate in his possession or under his control, as trustee, guardian, executor, or administrator; that the personal estate of every incorporated company liable to taxation shall be assessed in the township or ward where the principal office shall be, or if such company have no principal office or place of transacting its financial concerns, then in the township or ward where the operations of such company are carried on; and where the tolls of any bridge, turnpike, railroad, or canal company are collected in several townships or wards, the personal estate of such company shall be assessed in the township or ward in which the treasurer or other officer authorized to discharge the general pecuniary obligations of said company resides; and the real estate of incorporated companies liable to taxation shall be assessed in the township or ward in which the same shall lie, in the same manner as the real estate of individuals.

8. *And be it enacted*, That the assessor of every township or ward shall, between the days prescribed by law, annually ascertain, by diligent inquiry, and according to the best of his ability, the names of all the taxable inhabitants in their respective townships or wards, and also all the taxable property, real and personal, within the same, and set down in his duplicate, in four separate columns, and according to the best information in his power—

I. In the first column, the names of all the taxable inhabitants in the township or ward, as the case may be.

II. In the second column, the quantity of land to be taxed to each person.

III. In the third column, the full value of such land, according to the definition of the term real estate, as given in the third section of this act.

IV. In the fourth column, the value of all the taxable personal property owned by such person; and that from

such valuation of real and personal estate, there shall be deducted the whole amount of the debts due and owing by the owner thereof.

Assessment of trustees and guardians.

9. *And be it enacted*, That where a person is assessed, as trustee, guardian, executor, or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment; and in cases where the same property is held by several trustees, guardians, or executors, only one of them shall be taxed for the same; and such property shall be assessed in the hands of such one of said executors, or guardians, or trustees, as have the actual possession or control of such property, or the bonds, mortgages, or other securities by which the same is held.

Value of property may be sworn to before assessor.

10. *And be it enacted*, That if any person, whose real or personal estate is liable to taxation, shall, at any time before the assessor hath completed his assessment, make oath or affirmation before the assessor, who is hereby authorized to administer the same, that the value of his real and personal estate, after deducting his debts due and owing, does not exceed a certain sum, specifying the same, it shall be the duty of the assessor to value such real or personal estate, or both, as the case may be, at the sums specified in the affidavit, and no more.

Oath or affirmation may be taken before commissioners of appeal.

11. *And be it enacted*, That when any person, objecting to such assessments, shall not previously have made affidavit concerning the value of his property, as aforesaid, he shall be at liberty to make such oath or affirmation before the commissioners of appeal in case of taxation; and said commissioners, on such affidavit, shall reduce the assessment to the sum specified in the affidavit; and all affidavits mentioned in this, and the next preceding section, shall be filed in the office of the clerk of said township or ward.

Commissioners may alter assessment, on satisfactory proof of error.

12. *And be it enacted*, That if the person objecting to the assessment can show, by other proof than his own affidavit, to the satisfaction of the commissioners of appeals, or a majority of them, that such assessment is erroneous, the commissioners shall alter the same, without requiring the affidavit of the person objecting.

Meeting of assessors to fix quota of tax.

13. *And be it enacted*, That when any money shall be directed to be assessed for state or county purposes, it shall be the duty of the assessors of the several townships and wards, in every county, to meet at the time prescribed by law, in every year, at the place of holding the court of common pleas in such county, and then and there to ascertain the

amount of the tax required by law to be rated in the assessment to be made, and to compute the value of the real and personal estates liable to taxation, as taken by the assessor of each township or ward, and thereby to fix and adjust the proportion or quota of tax to be levied and collected in each township or ward; and it shall be the duty of said assessors, at such meeting, to make out two abstracts of the value of taxable real and personal property in each township or ward, which shall be signed by every assessor present, and on the same day delivered to the county collector, who shall lay one of the said abstracts before the legislature of the state, as now required by law; and the said assessors shall also, within fifteen days after such meeting, deliver to the township collector a true transcript or duplicate of said assessment, as is now required.

14. *And be it enacted*, That all taxes assessed under this act shall be collected in the manner provided in the act to which this is a supplement; and that all acts, and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed. Taxes, how collected.

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

Approved March 14, 1851.

AN ACT to extend the charter of the State Bank at New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to establish state banks in New Jersey," passed January twentieth-eighth, in the year of our Lord one thousand eight hundred and twelve, with the several supplements thereto, be, and the same are hereby continued and extended, so far as regards "the President, Directors, and Company of the State Bank at New Brunswick," for and during the term of twenty years from and after the first Monday in February, in the year of our Lord one thousand eight hundred and fifty-five, on which last mentioned day and year this act shall take effect. Provisions of former act extended.

Penalty for refusal to redeem notes.

2. *And be it enacted*, That if, at any time after this act shall take effect, the said president, directors, and company shall neglect or refuse, on demand being made at their banking house during the regular hours of doing business, to redeem in specie, or other lawful money, any of the bills, notes, or other evidences of debt issued by the said corporation, and which shall be due and payable, the said president, directors, and company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the nonpayment thereof, at and after the rate of ten per centum per annum from the time of such demand and until the same be paid or otherwise satisfied; and the president and directors of said corporation shall individually, and jointly and severally, be liable to every creditor for the payment of any bills, obligatory or of credit, note or notes, that they, or any of them, may issue or circulate; and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and number of the said bills or notes so demanded, and payment whereof hath been neglected or refused; and upon judgment being rendered, execution shall issue thereon.

Act may be repealed.

3. *And be it enacted*, That this act may be at any time repealed, modified, or amended, in the discretion of the legislature.

Approved March 14, 1851.

AN ACT to revive the act entitled, "An act to incorporate the Belleville Railroad and Transportation Company, and to extend the time for completing said road."

Act revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Belleville Railroad and Transportation

Company," passed the fifteenth day of February, eighteen hundred and thirty-six, be, and the same is hereby revived, and the time for completing said road extended for five years from the time of the approval of this act; and that Walter Rutherford, John C. Lloyd, and John Kennedy be Corporators: the corporators and commissioners for opening anew the books of subscription to the capital stock of said company, according to the provisions of said act; *provided*, that the Proviso. bridge over the Passaic river shall be constructed with a draw, so located as shall be most convenient for the navigation of said river; the said draw to be a pivot or swing draw, with two openings, each of which shall be not less than fifty feet in width, and constructed similar to the draw in the bridge over the Housatonic river, in the state of Connecticut, belonging to or used by the New York and New Haven Railroad Company. Description of draw.

2. *And be it enacted*, That the commissioners, hereby appointed, shall have power to collect and receive the amounts paid in on the subscriptions heretofore made to the capital stock of the aforesaid corporation, and shall return the same to the person or persons who made such subscriptions, and paid in the same, or their lawful representatives, in proportion to the amounts by them respectively paid. Commissioners to collect and pay over moneys subscribed.

3. *And be it enacted*, That so much of the said act as is inconsistent with this act be, and the same is hereby repealed. Part of former act repealed.

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

Approved March 14, 1851.

A supplement to the act entitled, "An act respecting executions, and regulating the sale of personal estate by virtue thereof," approved April sixteenth, eighteen hundred and forty-six.

Amount of
goods ex-
empted from
seizure.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That household goods, chattels, and tradesmen's tools, to the value of two hundred dollars, and all wearing apparel, the property of any debtor having a family residing in this state, shall be reserved, as well after as before the death of the debtor, for the use of the family, against all creditors, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court in this state (except the same be issued in cases of taxation) on any contract made after the passage of this act.

Appraisers
to be ap-
pointed.

2. *And be it enacted*, That in case any sheriff, or other officer, shall have an execution or civil process, as aforesaid, against any defendant having a family as aforesaid, and such defendant shall not have sufficient goods and chattels, or other property, besides his or her household goods and chattels and tools of trade, subject to such execution or process, whereof the amount thereof can be levied and made, it shall be the duty of such sheriff, or other officer, to make a careful and particular account and inventory of the household goods and chattels and tools of trade of the defendant in said execution or process, and thereupon to apply to one of the judges of the court of common pleas of the county wherein such execution is levied, whose duty it shall be to appoint, in writing, three discreet and judicious persons of said county, indifferent between the parties in said execution, to make a just and true appraisement of the household goods and chattels and tools of trade, so levied upon; which persons shall, before they enter upon the duties of their appointment, be severally sworn, before said judge, well and faithfully, honestly and impartially, to appraise such property, according to the true and intrinsic value thereof, and without reference to what the same might be supposed to bring at a sale by vendue under said execution or process; which said oath shall be endorsed upon said appointment by the said judge, and filed, together with the same, in the clerk's office of the said court of common pleas.

Appraise-
ment, how
made.

3. *And be it enacted*, That the said appraisers shall appoint a time and place when they will proceed to make the appraisement aforesaid, and shall cause at least five days' notice, in writing, thereof to be given to the plaintiff in said

execution, or to his attorney ; and shall, at the time and place so appointed, proceed to make the appraisement aforesaid, in the presence of the plaintiff in such execution, or his attorney, if he shall see fit to attend, and shall set down in writing a particular account of the articles and things appraised, with their respective values annexed, and sign the same ; and if the amount of said appraisement shall exceed two hundred dollars, then the defendant may select from such inventory articles to the amount of two hundred dollars, to be reserved for the use of himself and his family, and shall annex a written statement thereof, signed by himself, to said inventory ; and the said sheriff, or other officer, shall proceed and sell the residue of such goods and chattels, or tools of trade, or other property, in payment, or towards payment, of said execution ; but in case the said appraisement shall not exceed the sum of two hundred dollars, the said sheriff, or other officer, shall suffer the same to remain in the possession of the defendant, for the use of himself and his family ; and in either case it shall be the duty of such sheriff, or other officer, to annex the said inventory and account made by said appraisers, and the debtor's statement, if any, to the execution or process, and return the same to the court from whence it was issued.

4. *And be it enacted*, That in case of the decease of any debtor, leaving a family, it shall be the duty of the executor or administrator of such deceased debtor to apply to a judge of the court of common pleas of the county where such deceased debtor resided at the time of his death ; and the said judge shall thereupon appoint three discreet and judicious persons of said county, not interested in the estate of said deceased, and not of kin to his widow or children, who shall be sworn as aforesaid, and make an inventory, account, and appraisement, in manner aforesaid, of the household goods and chattels whereof such deceased debtor died possessed ; and in case such inventory, account, and appraisement shall exceed the sum of two hundred dollars, then the widow of the deceased, his executor or administrator, may select from such inventory and account (and make and annex to said inventory a written statement thereof, as aforesaid,) articles to the value of two hundred dollars, which shall thereupon become the property of said family, and be and remain for their use ; *provided*, that nothing herein contained shall be permitted to conflict with the provisions of the last will and testament of any debtor.

Proceedings
in case of
death of
debtor.

Proviso.

5. *And be it enacted*, That nothing herein contained shall be deemed or held to protect from sale, under any execution or process, any goods, chattels, or property, for

What goods
not exempted
from sale.

the purchase whereof the debt or demand for which the judgment on which the execution or process was issued shall have been contracted.

Fees of officers.

6. *And be it enacted*, That the sheriff, or other officer, having the execution or process, shall be entitled, for the services required of him by this act, to receive the sum of fifty cents; the judge, for the appointment of the appraisers, and drawing and administering to them the oath aforesaid, the sum of fifty cents; the clerk, for filing the same, eight cents; and the said appraisers, for the services required of them, the sum of fifty cents, each, to be paid by the defendant in the execution or process, or by the executor or administrator of the deceased debtor.

Part of former act repealed.

7. *And be it enacted*, That the ninth section of the act, to which this act is a supplement, be, and the same is hereby repealed, so far as relates to any contract made after the passage of this act, and that all acts, and parts of acts, which conflict with this act, be, and the same is hereby repealed.

When act to take effect.

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

Approved March 14, 1851.

AN ACT to repeal an act providing for keeping in repair and changing the location of the division bank between the Repaupo meadows and the meadows of Lower Clonmell.

Former act repealed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to provide for keeping in repair the division bank between the Repaupo Meadow Company and the meadows of Lower Clonmell, in the township of Greenwich, in the county of Gloucester, and to change the location of said bank, under certain contingencies," approved the fifth day of March, one thousand eight hundred and fifty, be, and the same is hereby repealed.

Approved March 14, 1851.

A supplement to the act entitled, "An act to incorporate the Mechanics and Manufacturers Bank at Trenton," passed the nineteenth of February, eighteen hundred and thirty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Mechanics and Manufacturers Bank at Trenton," passed February the nineteenth, in the year of our Lord eighteen hundred and thirty-four, be, and the same is hereby continued and extended, for and during the term of twenty years from and after the time by the said act limited for its continuance. Provisions of former act extended.

2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the term, in and by the said act entitled, "An act to incorporate the Mechanics and Manufacturers Bank at Trenton," limited for the continuance thereof. When act to take effect.

Approved March 14, 1851.

AN ACT to authorize the board of chosen freeholders of the county of Monmouth to build a bridge over Shark river.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth are hereby authorized, whenever, in their opinion, the public good or convenience may require it, to erect and build a bridge over Shark river, at or near Gravelly point, in the county of Monmouth, with a draw therein of sufficient width to admit the passage of such vessels as usually navigate said river, if such draw shall be by said board deemed necessary, to connect the public roads recently laid out in the townships of Ocean and Howell, near the station house lately erected in said county by authority of the government of the United States, pursuant to a recent act of Congress. Bridge authorized to be built.

Approved March 14, 1851.

A supplement to the act entitled, "An act to prevent swine from running at large in the villages of Carpenters Landing, Bridgeport, Swedesboro', and Woodbury, in the county of Gloucester; Columbus and Moorestown, in the county of Burlington; the townships of Hoboken and Van Vorst, in the county of Hudson; the villages of Freehold, Turkey, and New Egypt, in the county of Monmouth; Gloucester City, in the county of Camden; Woodstown, in the county of Salem, and Morristown, in the county of Morris," approved March seventh, eighteen hundred and fifty.

Preamble.

WHEREAS great inconvenience has been experienced in some of the villages named in the act to which this is a supplement, for the want of ample provision for the establishment of pounds, necessary to carry into effect the object contemplated by said act—therefore,

Poundkeeper to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the townships, respectively, wherein said towns and villages are situate, annually to elect, in the same manner as other township officers are elected, one poundkeeper for each of said towns or villages, who shall, for the time being, be a resident within the limits prescribed by said act, whose duty it shall be to erect or procure, at his own proper cost and charge, some suitable pound, or other enclosure, for the safe keeping of swine impounded, according to the requirements of the act to which this is a supplement.

When act to take effect.

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

Approved March 14, 1851.

AN ACT to authorize the transfer of estates in expectancy.

Transfer of estates in expectancy authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passing of this act, any person may devise, or may convey, assign, or charge, by any deed, any such contingent or executory

interest, right of entry for condition broken, or other future estate or interest in expectancy, as he may now or shall hereafter be entitled to, or presumptively entitled to, in any lands, tenements, or hereditaments, or any part of such right, estate, or interest, respectively, although the contingency on which such right, estate, or interest are to vest may not have happened; and every person to whom any such interest, right, or estate shall be devised, conveyed, or assigned, his heirs and assigns, shall, on the happening of such contingency, be entitled to stand in the place of the person by whom the same shall be devised, conveyed, or assigned, his heirs or assigns, and to have the same interest, right, or estate, or such part thereof, as shall be devised, conveyed, or assigned to him, and the same actions, suits, and remedies therefor as the person originally entitled thereto, or his heirs would then have been entitled to, if no conveyance, devise, assignment, or other disposition thereof had been made; *provided*, that no person shall be empowered by this act to dispose of any expectancy which he may have as heir of a living person, for any contingent estate or expectancy where the contingency is as to the person in whom, or in whose heirs, the same may vest, nor any estate, right, or interest to which he may become entitled under any deed to be thereafter executed, or under the will of any living person; *and provided also*, that no chose in action shall by this act be made assignable at law, and that nothing in this act contained shall render any contingent estate, or other estate or expectancy, therein mentioned, liable to be levied upon and sold by virtue of any execution.

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

Approved March 14, 1851.

A further supplement to the act entitled, "An act relative to commissioners for taking the acknowledgment and proof of deeds."

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. Additional commissioners authorized.

pointed in the states of New York and Illinois, be, and he is hereby authorized, by and with the advice and consent of the Senate, to name, appoint, and commission one commissioner, to reside in the city of Brooklyn, and one additional commissioner, to reside in the city of New York, in the state of New York, and one, to reside at Ottawa, in the county of Lasalle, in the state of Illinois, which said commissioners shall have the same powers, fees, and duties, and be subject, in all respects, to the same restrictions as the other commissioners authorized to be appointed in the states of New York and Illinois, by virtue of the act to which this is a supplement.

2. *And be it enacted*, That the commissioners appointed under this act, and the act to which this is a supplement, shall be entitled to receive the same fees as are allowed by law for the like services to officers in this state; and that in case it shall be made to appear to the governor, that any such commissioner shall charge more or greater fees than are allowed by law, it shall be his duty to remove such commissioner from office.

When act to
take effect.

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

Approved March 14, 1851.

A supplement to an act entitled, "An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this state," passed January twenty-eighth, eighteen hundred and thirty.

Annual meet-
ings of soci-
ety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual meetings of the Medical Society of New Jersey shall be held, yearly and every year, in the city of Trenton, on the fourth Tuesday of January, and that the said society be, and is hereby authorized and empowered to dispense with its semi-annual meetings.

License to
practice,
now granted.

2. *And be it enacted*, That it shall be lawful for any person of good moral character, who has obtained a diploma for the degree of doctor of medicine and surgery, from the College of Physicians and Surgeons in the city of New

York, the medical department of the University of the city of New York, the medical department of the University of Pennsylvania, Jefferson Medical College, and the medical department of Pennsylvania College, in the city of Philadelphia, or such other medical college or university as the medical society shall from time to time designate, to present such diploma to the president of the Medical Society of New Jersey, together with the testimonials of his good moral character; and the president of said society shall thereupon, if satisfied with such testimonies, be authorized and empowered to grant a license, under his hand and seal of the society, to the person named and intended in said diploma to practice physic and surgery in the state of New Jersey, for which the said president shall be authorized to demand, from the person so licensed, a sum not exceeding five dollars, to be appropriated in such manner as the members of the said society shall order and direct.

3. *And be it enacted*, That the penalty and disqualification; specified in the twelfth section of the act to which this is a supplement, shall not be held to apply to any person who, without having passed an examination by the censors, has received a license from the president of the Medical Society of New Jersey, agreeably to the second section of this act.

Penalty in former act not to apply in certain cases.

4. *And be it enacted*, That it shall be lawful for the Medical Society of New Jersey to require the censors appointed under the eighth section of the act to which this is a supplement, in addition to the subjects specified in the said section, to examine the applicant or applicants for license, not having obtained a diploma in the arts from some college or university, on such branches of general science and learning as the said medical society shall from time to time designate.

Censors to examine applicant.

5. *And be it enacted*, That it shall be lawful for the Medical Society of New Jersey to direct its board of censors to demand from every applicant for examination, not having obtained a diploma in the arts, satisfactory evidence that he has employed one of the four years of study required in the ninth section of the act to which this is a supplement, in the study of such branches of general science and learning as may have been designated by the said medical society, agreeably to the fourth section of this act.

Examination of applicants who have not obtained diploma.

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

License may
be revoked.

7. *And be it enacted*, That it shall be lawful for the Medical Society of New Jersey, on application by any district medical society, legally organized, in this state, to revoke the license of any person who shall have obtained the same through fraud or in violation of any of the requirements of this act, or the act to which this is a supplement, or who has dishonored himself by disgraceful conduct or gross malpractice; *provided*, that the person so charged shall have had full opportunity of defence, and two-thirds of the members of the Medical Society of New Jersey, present at an annual meeting of said society, shall, by ballot, sustain the charge.

Amount of
penalties,
how dispos-
ed of.

8. *And be it enacted*, That the whole amount of penalty, in any instance incurred, under the twelfth and fourteenth sections of the act to which this act is a supplement, shall be paid into the treasury of the city or township in which the offender resides, for the benefit of the poor.

Part of for-
mer act re-
pealed.

9. *And be it enacted*, That all such parts of the act to which this is a supplement, as conflict with the provisions of this act, be, and the same are hereby repealed.

Approved March 14, 1851.

AN ACT to confirm the last will and testament of Henry William Rosenbaum, late of the township of Bergen, in the county of Hudson, deceased.

Preamble.

WHEREAS Henry William Rosenbaum, late of the county of Hudson, in this state, on or about the eighteenth day of August, eighteen hundred and forty-nine, departed this life without issue, and seized of considerable real and personal estate, a portion of which real estate is situate in the township of Bergen, in the county of Hudson, in this state, having first made and published, in the presence of two subscribing witnesses, his last will and testament in writing, bearing date the twenty-second day of January, eighteen hundred and forty-three, thereby devising (in the residuary clause in said will contained) the said real estate in said county of Hudson to his relict and widow, Anne Maria Rosenbaum, and appointing her

sole executrix thereof; which said last will and testament hath been duly proved in the office of the surrogate of the county of Kings, in the state of New York, in which county said will was made and published; and it appearing, by the petition of the said Anne Maria Rosenbaum, verified by affidavit, together with an exemplified copy of the said will annexed thereto, that the intention of the testator would be effected by confirming the said will—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the last will and testament of Henry William Rosenbaum, deceased, late of the township of Bergen, in the county of Hudson, in this state, bearing date the twenty-second day of January, eighteen hundred and forty-three, (the probate whereof was granted by the surrogate of the county of Kings, in the state of New York, to Anne Maria Rosenbaum, sole executrix thereof,) and the devise therein contained of lands and real estate in this state, shall be, and the same is hereby declared to be as good and effectual in law, to all intents and purposes, as if the said will had been executed, published, signed, and declared in the presence of three subscribing witnesses, in the manner prescribed by law to pass real estate in this state.

Will of H. W. Rosenbaum confirmed.

2. *And be it enacted*, That Anne Maria Rosenbaum, the devisee in the will of the said Henry William Rosenbaum, deceased, shall have, take, hold, and enjoy the land and real estate situate in this state, and which was devised to her in and by the said will, as fully and completely, in all respects, as if the said will of the said Henry William Rosenbaum had been duly executed, in the manner prescribed by law, to pass real estate in this state, any law, usage, or custom to the contrary notwithstanding.

Devisee to hold and enjoy the real estate devised.

3. *And be it enacted*, That any record of said last will and testament, regularly made and entered in any proper office of this state, and any duly certified copies thereof, and any letters testamentary or of administration, with the will annexed, duly granted thereon, shall be evidence in the same manner, and have the same force and effect as such records, or copies thereof, or as such letters would have if said last will and testament had been executed under, and published and proved according to the laws of this state, any law, usage, or custom to the contrary notwithstanding.

Record of will, &c., to be evidence.

Approved March 14, 1851.

AN ACT to provide for the construction of sidewalks along highways, for the accommodation of foot travellers.

Inhabitants of townships &c., may provide for construction of sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of any township in this state, at their annual meeting, to provide for the construction of sidewalks on the public highways, not exceeding in width one-fifth on each side of the road of the width thereof, and also to place posts or a railing by the side thereof, which sidewalks shall be constructed out of any money raised for repairs of highways; and the amount so to be expended, and the road or place where the sidewalks shall be made, shall be determined by such meeting or by the township committee.

Owners of lands may construct sidewalks.

2. *And be it enacted*, That it shall be lawful for any person owning or occupying lands adjoining a public road or highway, in any township, city, or ward, to construct sidewalks on said highway, in the manner herein before provided, contiguous and along the line of said land.

Penalty for riding or driving over sidewalks.

3. *And be it enacted*, That when a sidewalk shall have been constructed as aforesaid, every person who shall ride or drive a horse or team thereon, except for the purpose of crossing the same, when necessary so to do, shall forfeit and pay the sum of five dollars, to the use of the township, to be sued for and recovered by any person who will sue for the same.

When act to take effect.

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

Approved March 14, 1851.

A supplement to an act entitled, "An act to incorporate the Jersey City and Bergen Point Plank Road Company," approved March sixth, one thousand eight hundred and fifty.

Width of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company, or corporation, to construct all of their said road, after the first four miles, of the width only

of eight feet, and erect a gate thereon, and take toll, as is now provided and authorized in the act to which this is a supplement.

2. *And be it enacted*, That the said company shall at the same time grade and make a good wagon track adjoining and upon one side of the said plank road, for the accommodation of vehicles in passing, and keep the same in good repair. Wagon track to be made.

3. *And be it enacted*, That the said company shall, as soon hereafter as sufficient stock shall be subscribed and paid for, build an additional track, adjoining the track hereby authorized, at least eight feet in width, in the manner required by the original act, and for that purpose the treasurer of said company shall keep the books of subscription open at his office for subscriptions to the capital stock of said company, and continue the same open until enough shall be subscribed and paid in to build the said additional track. Treasurer to open books of subscription.

Approved March 14, 1851.

AN ACT to apportion the members of the General Assembly among the counties of this state.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the General Assembly of this state, hereafter to be elected, shall be apportioned among the several counties of this state, according to the census thereof, taken by the United States, in the year eighteen hundred and fifty, in such manner that each county shall have one member for every eight thousand two hundred and fifty inhabitants, and one for any residue, being a fraction of that number, exceeding one half thereof; and that the number of said members of Assembly, to be hereafter elected by each of said counties, shall be as follows: by the county of Bergen, two; by the county of Passaic, three; by the county of Hudson, three; by the county of Essex, nine; by the county of Sussex, three; by the county of Warren, three; by the county of Hunterdon, four; by the county of Morris, four; by the county of Somerset, two; by the county of Middlesex, three; by Apportionment in the several counties.

the county of Mercer, three; by the county of Monmouth, four; by the county of Ocean, one; by the county of Burlington, five; by the county of Gloucester, two; by the county of Atlantic, one; by the county of Camden, three; by the county of Salem, two; by the county of Cumberland, two; and by the county of Cape May, one.

Approved March 14, 1851.

AN ACT to authorize the executors of Samuel I. Bunting, deceased, to sell certain real and personal estate.

Preamble.

WHEREAS it is represented to the legislature, that Samuel I. Bunting, deceased, late of the township of Chesterfield, in the county of Burlington, did, in and by his last will and testament, bearing date on the twenty-first day of July, eighteen hundred and forty, made and executed in due form of law to pass real estate, and which hath been duly admitted to probate before the surrogate of said county, order and direct that all his real estate should be sold by his executors, or the survivor of them, excepting and reserving, however, a certain parcel of land, in said will described and set apart, and reserved for ever for a burying place of the testator's family; and did also, in and by said will, give and bequeath one share of the Farmers Bank of New Jersey, at Mount Holly, unto the trustees of the Crosswicks Methodist meeting and their successors in office, in trust, to apply the interest or dividends thereof in keeping said burying ground in good order and repair; and in case such interest or dividends should be more than sufficient for that purpose, the residue thereof to be for the use of said Methodist meeting, which said legacy, however, the said trustees, by a formal vote, entered upon their minutes, refused to accept; and whereas it is now represented to the present legislature, on the part of the executors and children and heirs-at-law of the said Samuel I. Bunting, that the said children and heirs-at-law, all of whom are now of full age, and most of whom now reside at a distance from the said burying ground, do not desire to use the same as a family burying place, and that they have already removed to Greenwood Cemetery the remains of a part

of the persons interred in the said ground, and are preparing to remove the remains of all other persons who have been interred therein; and whereas it is further represented, that the said lot of ground, so reserved for a family burying ground, is part and parcel of a farm which belonged to said testator at the time of his decease, and which his said executors are now about to sell under and by virtue of said will, and that all persons interested in the said family burying ground desire that said ground and the aforesaid share in the said Farmers Bank should be sold by said executors, and the net proceeds of such sale divided among the heirs-at-law of the said testator, in equal shares—

1. BE IT ENACTED *by the Senate and General Assembly* ^{Executors authorized to sell real estate.} of the State of New Jersey, That John Antrim Bunting, Charles Tantum Bunting, and Phineas S. Bunting, executors of the last will and testament of Samuel I. Bunting, deceased, and the survivors and survivor of them, be, and they are hereby authorized and empowered to sell, for the best price that can be obtained therefor, the lot or parcel of land mentioned and described in the last will and testament of the said Samuel I. Bunting, deceased, and therein and thereby set apart and reserved for the burying place of the family of said testator, and to execute to the purchaser or purchasers thereof a good and sufficient deed therefor in fee simple; and such conveyance shall vest in such purchaser or purchasers the same estate and interest in said land which the said testator had therein at the time of his decease; but such sale and conveyance shall not be made until after the remains of all persons who have been interred in said ground shall have been removed and properly interred elsewhere.

2. *And be it enacted*, That the said executors, and the survivors and survivor of them, are hereby authorized and empowered to sell and dispose of the aforesaid share in the Farmers Bank of New Jersey, given and bequeathed by the said testator, in trust as aforesaid, to the trustees of the Methodist meeting at Crosswicks, and the net proceeds of the sale of the said lot of ground and of the said share of stock are to be divided by the said executors among the heirs-at-law and next of kin of the said Samuel I. Bunting, according to the laws of descents and distribution of this state. ^{Executors authorized to sell bank stock.}

3. *And be it enacted*, That before the said executors, or any of them, proceed to act in the matters aforesaid, by virtue of this statute, they shall execute to the ordinary of this state a bond, with at least two sufficient sureties, in the penal sum of one thousand dollars, conditioned that they ^{Executors to give bond.}

will pay over and account, in manner aforesaid, for all moneys, and securities for money, which may come to their hands under this act, and in all things well and truly perform their duties in the matters herein mentioned; which bond shall be by them filed in the office of the surrogate of the county of Burlington, for the benefit of all persons interested therein.

Approved March 14, 1851.

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

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 second section of the act to which this is a supplement, as requires that persons associating for the purpose of banking, shall be residents of this state, be, and the same is hereby repealed.

Stocks which may be deposited.

2. *And be it enacted*, That it shall be lawful for any association, or persons formed, or to be formed, under the act to which this is a supplement, to deposit, in addition to the stock mentioned in said act, the stocks of the states of New York, Ohio, Kentucky, and Pennsylvania, or either of them, as basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking.

Notes to be stamped.

3. *And be it enacted*, That the bills and notes authorized to be stamped on their face, as provided in the fifth section of the act to which this is a supplement, and whose security may be based upon public stocks, shall be stamped on their face, "Secured by public stocks in the state treasury," and those bills or notes whose security may be based on public stocks and bonds and mortgages, shall be stamped on the face, "Secured by public stocks and bonds and mortgages in the state treasury."

Majority of directors to reside in the state.

4. *And be it enacted*, That a majority of the directors, authorized to be chosen by the eighteenth section of the act to which this is supplementary, shall be residents of this state.

5. *And be it enacted*, That it shall not be necessary for the cashier or any such association to sign the bills or notes thereof. Cashier need not sign bills.

6. *And be it enacted*, That the twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, thirty-third, and so much of the thirty-fifth section of the act to which this is a supplement, as requires a copy of the names of the stockholders to be filed in the office of the clerk of the county and of the state treasurer, be, and the same are hereby repealed. Part of former act repealed.

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

Approved March 14, 1851.

A supplement to the act entitled, "An act to incorporate the Flemington Copper Company," approved February second, eighteen hundred and forty-seven.

WHEREAS the directors have, pursuant to the provisions of the fourth section of the act to which this is a supplement, called in and expended assessments upon the capital stock of the said company to the amount of ten dollars per share, and are not authorized to call in any further assessments on the said stock, without which their mining operations must cease—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of the said corporation to assess, from time to time, upon each share of the stock of the said corporation, a further sum, not exceeding the gross amount of five dollars, in sums not exceeding one dollar, at any one time, and at intervals of not less than thirty days; and any stockholder refusing to pay any assessment regularly laid, of which such notice shall have been given as is provided in the act to which this a supplement, shall forfeit to the said corporation each and every share of stock upon which such assessment shall remain unpaid for the period of thirty days, after notice shall have been given in such form, as the directors may ordain in the by-laws, to the stockholders that such assessment was due and unpaid. Further assessment authorized.

Election,
where held.

2. *And be it enacted*, That the place of holding the annual election for directors of the said corporation shall hereafter be in the city of Camden, in the state of New Jersey, instead of the county of Hunterdon, in said state.

Part of former act repealed.

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

Approved March 14, 1851.

AN ACT to authorize Amplus B. Chamberlin, administrator, cum testamento annexo, of Richard Heath, late of the county of Hunterdon, deceased, to convey certain lands in the township of Kingwood, in said county of Hunterdon.

Preamble.

WHEREAS it has been represented to the legislature, that Richard Heath, of the county of Hunterdon, and state of New Jersey, departed this life on the thirteenth of February, in the year of our Lord one thousand eight hundred and forty-nine, having first duly made and published his last will and testament, which was duly proved by George D. Heath, the surviving executor thereby appointed, who took upon himself the burthen of the execution thereof; and that said George D. Heath, surviving executor as aforesaid, by virtue of the said last will and testament of the said Richard Heath, deceased, and the directions therein contained, on the thirteenth day of October, in the year of our Lord one thousand eight hundred and forty-nine, sold a wood lot, lying in the township of Kingwood, in said county of Hunterdon, containing six acres of land, more or less, and also a farm, lying in said township, containing eighty-four acres, more or less, part of the estate of said Richard Heath, deceased, the wood lot to one Joseph S. West, and the farm to one Daniel M. Case, by public vendue, to the highest bidder, the same having first been duly advertised according to law; and that the respective purchasers aforesaid complied with the conditions of sale, and paid to the said George D. Heath, surviving executor as aforesaid, in his lifetime, the portions of the purchase money required thereby; and that the said George D. Heath departed this life on the thirteenth of April, in the year of our Lord one thou-

sand eight hundred and fifty, without having made any deed or conveyance of said lands to either of said purchasers; and that administration de bonis non, with the will of the said Richard Heath, deceased, annexed, was granted of the estate of said Richard Heath, deceased, to Amplius B. Chamberlin, by the surrogate of the county of Hunterdon, which letters of administration bear date April twenty-seventh, in the year of our Lord one thousand eight hundred and fifty; and that said purchasers are ready and willing to take their respective titles for said lands, and pay over the balance of the purchase money therefor; and whereas doubts have been expressed as to the right of said Amplius B. Chamberlin, administrator as aforesaid, to execute conveyance of said lands, and as to the validity of any conveyance or deed executed by him for the same, and no cause appearing to the contrary—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Amplius B. Chamberlin, administrator as aforesaid, be, and he is hereby authorized and empowered to make and execute deeds or conveyances to the respective purchasers for the said lands, so as aforesaid sold, which said deeds or conveyances shall respectively vest in each purchaser aforesaid as good and perfect an estate in the said tracts of land, so conveyed to each, as the said Richard Heath was seized of or entitled unto at the time of his death; and the same, when made, are hereby declared to be as valid and effectual, to all intents and purposes, as if the same had been executed and delivered by the said George D. Heath, surviving executor of the said Richard Heath, deceased.

Administra-
tor author-
ized to make
deeds

2. *And be it enacted*, That this act shall go into operation and effect immediately after the passage thereof.

When act to
take effect.

Approved March 14, 1851.

AN ACT to incorporate the Mullica Hill and Pittsgrove 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 men-

Commission-
ers to open
books of sub-
scription.

tioned, 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 Mullica Hill and Pittsgrove Turnpike Company;" and that the following named persons: Isaac Johnson, second, Charles Elwell, Nathan T. Stratton, Charles Wood, James Coombs, Ira Gibson, Charles Batten, N. R. Newkirk, Thomas Harding, John R. Alderman, Joseph H. French, James Lafferty, and Jacob Martin, 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 the said books, by publishing the same in one of the Salem and Gloucester county newspapers.

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-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 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.

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; 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, 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 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 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.

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 or plank road on or near the present mail route from the termination of the Woodbury and Mullica Hill turnpike, in the village of Mullica Hill, in Gloucester county, to the

Election of president.

Vacancies, how supplied.

Annual statement to be made.

Description of road.

Pole tavern, in Salem 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, 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; 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 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, 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
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 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 com-

Proviso.

pany 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 Salem, 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, 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 clerks of the said counties of Gloucester or Salem, 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 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 costs 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 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 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 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 Mullica Hill or the Pole tavern; 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."

Mile stones
or posts to
be erected.

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.

Penalty for
injuring
works.

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
or delaying
travellers.

12. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of every kind and description, whether of

Penalty for
obstructing
passage.

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.

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 counties of Gloucester or Salem, 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 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 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 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 person 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 counties of Gloucester or Salem, 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 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. Freeholders may take road, on payment of cost.

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 Salem, 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 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.

18. *And be it enacted*, That when said turnpike road shall have been completed, agreeably to the provisions of the above act, it shall and may be lawful for the aforesaid Mullica Hill and Pittsgrove Turnpike Company (a majority of the stockholders so determining) to construct a branch road from the county line, at Pineville, to Pittstown, in Lower Pittsgrove township, Salem county, said branch to be constructed and kept in repair, subject to all the regulations and liabilities specified in the aforesaid bill. Branch road may be constructed.

Approved March 14, 1851.

AN ACT to incorporate the Paterson and New York Plank Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Morrell, David I. Anderson, Henry V. Butler, Daniel Romaine, Robert Rennie, John P. Outwater, John Huyler, 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 Paterson and New York Plank Road Company."

Amount of capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times and place or places, in the county of Passaic, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, in one or more newspapers printed in Paterson; and at the times and places so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners, 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 the amount of five dollars on each share paid in, as before directed, the said commissioners, or a majority of them, shall give notice, as above specified, for a meeting of the stockholders for the purpose of choosing directors and organizing 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 office 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 they may hold at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

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 fifteen dollars on each share, by giving thirty days' notice of such required instalment in one or more of the newspapers printed in the county of Passaic; and if any stockholder shall neglect or refuse, for thirty 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.

Stock forfeited for nonpayment of instalments.

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 money 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 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 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 dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That the president and directors of 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 at some suitable place in the town of Paterson, to one or more places on the Hudson river opposite the city of New York, on such a course as may be deemed advisable, with right to erect such bridges as may be necessary; and where bridges are built over navigable streams, with such draws on the same, as are made on other bridges over such streams; and it shall and may be lawful for the said president and directors, their agents and others in their employ, to enter, at all times,

Construction of road authorized.

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, contractors, 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 effect the object 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 said lands be first had and obtained; and the said company may contract with any turnpike or bridge company, on the route they shall locate for the said road, for the purchase or hire of such turnpike or turnpikes or bridges, or any part thereof, and the same may be leased or conveyed to them by the said turnpike or bridge company.

Proviso.

Description
of road.

9. *And be it enacted*, That there shall be formed and constructed a special artificial road, of not less than eight feet in width, and faced with good substantial plank or timber, laid down in a firm and workmanlike manner; and the same shall be kept at all times in good repair, so as to present a firm, smooth, and even surface at all seasons of the year; and the same shall in no case rise above five degrees in a parallel with the horizon.

Description
of bridges.

10. *And be it enacted*, That the bridges across the Hackensack and Passaic rivers shall be so constructed as that one part thereof shall not be less than thirty feet over, to draw for the free passage of such vessels with standing masts, as shall from time to time have occasion to pass up and down the said rivers; and the said draws shall be so constructed, for the safe passage of vessels with standing masts, with piles, piers, and platforms, on each side of the draws of the said bridges, as are in the bridges which are already built over the Hackensack river, for the free navigation of vessels through the same; and being so constructed, shall, for the term hereby granted, be supported and maintained by the said directors and their successors; and for the safety of the navigators, a lamp, sufficient for

the purpose, shall be placed, at the expense of the directors and their successors, on one side of the draw in each of said bridges, on a post for that purpose; which said lamp shall be lighted every evening thereafter, as long as the said bridge shall stand, before it grows dark, and continue lighted until daylight the next morning; and the said directors and their successors shall, as long as the said bridges are standing, keep, or cause to be kept, at each bridge, a careful person to open the draws of the said bridge for the passage of vessels with standing masts; and for each and every night's neglect for lighting the lamp, and for every neglect in opening the draw, the said directors, their agents and servants, shall pay the sum of ten dollars, to be recovered by action of debt, before either of the justices of the peace of the county of Bergen or Hudson, by any person suing for the same, one half to and for the use of the prosecutor, and the other half for the use of the poor of the township of Lodi, in the county of Bergen, and of the township of Harrison, in the county of Hudson.

11. *And be it enacted*, That when the company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials, so required for the use of the said company in the construction or repairs of said road, shall be given in writing, under 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 resident 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 and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three judicious, impartial, and disinterested persons, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners, to examine and appraise the said lands or materials, and to assess the damages; the said commissioners are also directed and required to assess the damages which any individual may sustain by said road,

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

arising from the removing, making, and maintaining the fencing on the line of the said route, through any improved lands through which the same may run, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding; to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the said lands or materials, and assessment of the damages sustained by the owner or owners thereof, by reason of the taking the same for the use of the company, which shall be paid by the company for such lands or materials or damages aforesaid; and the said commissioners shall make a report in writing, under their hands, or the hands of any two of them, of the value of said lands, materials, and damages, which report shall, within ten days thereafter, be filed, together with the aforesaid description of the land or materials and the appointment and oaths or affirmation aforesaid, in the clerk's office of the county in which the said lands or materials are situate, to remain of record therein; and the said report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of the said company, to have hold, use, occupy, possess, and enjoy the said lands or materials, and of the right of the said owner or owners to recover the amount of the said valuation and assessment, 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 until the same be paid, shall 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 justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he or they shall think equitable and right, which costs shall be paid by the said company.

Parties aggrieved may appeal.

12. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall

be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the said court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said matter in controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next circuit court to be holden in the county where said lands or materials, or any part thereof, may be, in the same manner as other issues in fact are tried in said court, upon twenty days' notice of trial and six days' notice of the view being given by either party to the other; and, upon such trial, it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained by reason of the taking thereof, as aforesaid; and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution be 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 commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and deducted out of the sum so found by the jury, or execution awarded therefor, as the court shall direct; *provided*, that such application for an issue shall not prevent the said company from taking and using the said land or materials, upon the filing of the said report, and tender or payment of the sum awarded by the commissioners. Proviso.

13. *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 persons, or the amount found by a jury, into the court of chancery, or to the clerk thereof, subject to the order of the said court, for the use of said owners; all which proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said justice shall and may direct the amount of cost and charges of such valuation, appraisement, and witness' fees. Payment of damages to nonresidents &c.

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

Rates of toll. erect gates and turnpikes across the said road, whenever three miles of the said road is 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, two and a half cents.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, one cent.

For every dozen of calves, sheep, or hogs, and so on in proportion for any greater or less number, six cents.

For every dozen of horses, mules, or cattle, and so on in proportion for any greater or less number, twelve 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.

15. *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, 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 the township of Paterson, county of Passaic; 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.

16. *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 gates or turnpikes without having paid the legal toll, 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 action of debt, with costs of suit; and if any person shall, with team, carriage, or horse, turn out of said road, to pass a gate or gates or turnpikes, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall 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.

17. *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 illegal tolls, &c.

18. *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 in an action of debt, with costs of suit. Penalty for obstruction.

19. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken as a public act, and shall at all times be recognised as such in all courts and places whatsoever; and the said corporation shall have all the power and privileges, and be subject to the restrictions, limitations, and conditions, specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six. Public act.

Approved March 14, 1851.

AN ACT to incorporate the New Brunswick Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Littleton Kirkpatrick, John Acken, Peter Spader, James Parker, John W. Stout, David F. Randolph, Peter Conover, William Dunham, John R. Ford, Charles D. Deshler, Robert Adrain, Moses F. Webb, Theodore G. Neilson, David Bishop, Peter V. Miller, William Boylan, and their successors, shall be, and are hereby constituted a body corporate and politic, by the Names of corporators.

May hold
real estate.

name of "the New Brunswick Savings Institution;" and, by that name, shall be capable of purchasing, taking, holding, and enjoying, to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels, or personal estate, which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars.

Proviso.

First-managers.

2. *And be it enacted*, That the said institution shall be conducted by sixteen managers, twelve of whom, at least, shall be residents of the city of New Brunswick; a majority of the managers shall be a quorum to transact business, and the seat of any manager, who shall have neglected to attend for four successive meetings, may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; the managers shall meet annually, on the second Monday in April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers, so chosen and appointed, shall continue in office one year and until others are chosen in their place; and all officers, so chosen, shall be under oath for the faithful performance of the duties of their office, respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums, and with such sureties, as may be satisfactory to the board of managers.

Managers to
make by-
laws.

3. *And be it enacted*, That the board of managers shall have power, from time to time, to make, ordain, and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing, and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state; and copies of such by-laws and regulations shall be put up in five public and conspicuous places in the town where the business of the said institution shall be transacted, and shall not be changed or altered, so as to affect injuriously any

person who may have been a depositor previous to such change or alteration.

4. *And be it enacted*, That the said institution may receive as deposits all sorts of money which may be offered for the purpose of being invested, in such amounts and at such times, and upon such terms, as the by-laws shall prescribe, which moneys shall be invested and put at interest accordingly, and shall be repaid to the depositors at such times, and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; and the said institution may accept and execute all such trusts, of every kind, as may be committed to them by any person or persons, by will or otherwise, or transferred to them by order of any court. Deposits.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having five hundred dollars or more deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors, and so that no interest or dividend on account of such surplus fund shall be allowed for moneys which shall have been withdrawn from deposit. Rate of interest.

6. *And be it enacted*, That no emolument or compensation whatever shall be received, directly or indirectly, by the president or managers for their services, nor shall they issue any notes or bills; nor shall any manager, officer, or agent of the institution be allowed, directly or indirectly, to borrow any money from the said institution, or to use the same, except to pay necessary expenses; nor shall the said institution take or hold any bond, mortgage, or other security for the payment of money, drawn or endorsed by, or existing against any manager, or officer, or agent of the institution; and no manager or officer of the institution shall have any interest in any of the deposits, or the profits arising from the same, except such as may be due for deposits made by them, as trustees, for the benefit of others. Officers not to receive compensation.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks, other than such as are created under the laws of this state or of the United States, or of the states of New York, Pennsylvania, or Ohio; and all bonds and mortgages shall be secured on unencumbered Money, how invested.

real estate in this state, worth at least double of the amount invested ; no money shall be invested in the stock or loans of any incorporated company whatsoever.

Certificates
of deposit.

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

Payment of
deposits to
minors.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed ; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit ; married women may deposit money in their own names, and receive the interest or dividend thereon, and receive and withdraw the same, and such deposit shall not be subject to the control of the husband or liable for his debts ; nor shall moneys deposited by single women be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Proviso.

Trustees to
receive de-
posits in case
of death of
depositor.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money due shall be paid, if not otherwise disposed of by will ; and all payments made to the person or persons so appointed shall be a full discharge to said institution.

Interest.
when allow-
ed.

11. *And be it enacted*, That the institution shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on a deposit until it amounts to five dollars, nor to allow interest on the fractional part of five dollars, nor shall the institution be required to allow interest on the fractional parts of a month.

Deposits to
be entered
in books.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution ; and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered, as soon as made.

Vacancies,
how supplied

13. *And be it enacted*, That the managers shall have power to fill up by ballot, after one month's notice, any vacancy which may occur in their body or of its officers,

two-thirds of the number present being required to agree to all removals and new appointments ; and no appointment or removal shall take place when a less number than two-thirds of the managers are present.

14. *And be it enacted,* That it shall be the duty of the said institution to make an annual report to the legislature of this state, under the oath or affirmation of the president, secretary, and treasurer, or any two of them, of the state of its funds ; and such statement shall be published in one or more newspapers published in the city of New Brunswick.

Annual report to be made.

15. *And be it enacted,* That the office or place of business of the said institution shall be in the city of New Brunswick ; and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Place of business.

16. *And be it enacted,* That this act shall be, and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended ; and that no misnomer of the said institution, in any deed, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same ; *provided,* the institution shall be sufficiently described so as to ascertain the intention of the parties ; *and provided also,* that the legislature may at any time hereafter amend, repeal, or modify this act.

Public act.

17. *And be it enacted,* That this act shall continue in force twenty years, unless sooner repealed, and shall take effect immediately.

Limitation.

Approved March 15, 1851.

A supplement to an act entitled, "An act to incorporate the Paterson Savings Bank."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the Paterson Savings Bank may invest any moneys received by them, on deposit or otherwise, in the public stocks created under the laws of

Stocks in which money may be invested.

the states of Massachusetts, Pennsylvania, Kentucky, or Ohio, any thing in the seventh section of the act to which this is a supplement to the contrary notwithstanding.

Deposits by
minors.

Proviso.

2. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit; married women may deposit money in their own names, and receive the interest or dividend thereon, and receive and withdraw the same; and such deposit shall not be subject to the control of the husband or liable for his debts; nor shall moneys deposited by single women be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Approved March 15, 1851.

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

Paupers or
indigent persons,
when sent at
expense of
county.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever an investigation shall be made, pursuant to the fifth section of the supplement to the aforesaid act, approved March ninth, eighteen hundred and forty-eight, by one physician and one judge, they shall present their certificate and proceedings to the director of the board of chosen freeholders of the county wherein such pauper or person in indigent circumstances is chargeable, whose duty it shall be, with the aid and assistance of one other of the chosen freeholders of said county, to examine the said certificate and proceedings of said judge and physician; and upon said examination, if the said director and chosen freeholder shall be of opinion that such pauper or person in indigent circumstances should be sent to the asylum, at the costs and expense of the county, they shall endorse on said certificate "approved,"

and sign their official names thereto; which said certificates, and other papers relating thereto, shall be filed with the clerk of the county, who shall authenticate the same, as provided in the twenty-first section of the act; and in such case it shall be the duty of the chosen freeholders of said county to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum.

2. *And be it enacted*, That in case the said director and chosen freeholder, upon such investigation, shall not approve of sending such pauper or person to the asylum, at the expense of the county, they shall endorse on said certificate and proceedings aforesaid "not approved," and sign their official names thereto, which papers shall be filed with the clerk of the board of chosen freeholders; and in such case said pauper, or person in indigent circumstances, shall not be admitted to the asylum at the expense of the county.

Approved March 15, 1851.

AN ACT to facilitate the administration of justice.

WHEREAS great inconvenience has arisen from the frequency of the several courts, and the holding of the same during the summer season, when the services of jurors and others can only be obtained at great personal sacrifice and expense—for remedy whereof,

Preamble.

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 of this state shall be held at the following times, and not otherwise, that is to say:

I. The court of errors and appeals, on the third Tuesday of June and November, and the second Tuesday of March.

Court of errors and appeals.

II. The court of chancery, on the third Tuesday of May and October, and the first Tuesday of February.

Chancery.

III. The supreme court, on the first Tuesday of June and November, and the fourth Tuesday of February.

Supreme court.

IV. The several regular terms of the circuit-courts, courts of oyer and terminer and general jail delivery, the court of common pleas, the court of general quarter sessions of the

Circuit c'ts.

peace, and the orphans' court, in and for the several counties in this state, at the times following, and not otherwise, that is to say :

Bergen, Sussex, Monmouth, and Camden.

First. In the counties of Bergen, Sussex, Monmouth, and Camden, on the first Tuesday of April, September, and December.

Hudson, Hunterdon, and Cape May.

Second. In the counties of Hudson, Hunterdon, and Cape May, on the second Tuesday of April, and also in the county of Hudson, on the second Tuesday of September and third Tuesday of December, and in the county of Hunterdon, the second Tuesday of September and December, and in the county of Cape May, on the second Tuesday of August.

Morris, Somerset, Burlington, and Cumberland.

Third. In the counties of Morris, Somerset, Burlington, and Cumberland, on the third Tuesday of April and September, also in the counties of Somerset and Cumberland, on the third Tuesday of December, and in the counties of Morris and Burlington, on the fourth Tuesday of December.

Essex, Warren, and Salem.

Fourth. In the counties of Essex, Warren, and Salem, on the fourth Tuesday of April and September, also in the county of Essex, on the first Tuesday of January, in the counties of Warren and Salem, on the fourth Tuesday of December.

Passaic, Ocean, Mercer, and Gloucester.

Fifth. In the counties of Passaic, Ocean, Mercer, and Gloucester, on the first Tuesday of May and October, also in the counties of Passaic, Mercer, and Ocean, on the second Tuesday of January, and in the county of Gloucester, on the first Tuesday of January.

Middlesex and Atlantic.

Sixth. In the counties of Middlesex and Atlantic, on the second Tuesday of May and October, and also in the county of Atlantic, the second Tuesday of December, and in the county of Middlesex, on the third Tuesday of January ; *provided*, that the amount of the judges' circuit fees for each county shall be the same as now allowed annually, and no more.

Provide.

Plaintiff may enter rule for judgment when defendant omits to file plea, &c.

2. *And be it enacted*, That it shall be lawful for the plaintiff, in any action at law, when the defendant shall have omitted to file a plea or demurrer to the declaration, or any subsequent pleading, within the time required by law, to enter as of course, either in term or vacation, in the minutes of the court, such rule for judgment by default, either interlocutory or final, as he would by law have been entitled to if such rule were applied for in open court, expressing in such rule the true date of the actual entry thereof ; and such rule, when lawfully entered, shall have the same force and effect as if entered by order of the court,

and if unlawfully entered, shall be utterly void; and for the purposes of this act, any frivolous plea or demurrer, or sham plea, or plea irregularly pleaded, may be treated and regarded as if the same had not been filed.

3. *And be it enacted*, That any judge of the court, in which such action may be pending, may, upon application made before the entry of such rule for judgment by default, upon affidavit to be filed, made by the defendant, or his attorney in the suit, or agent in the matter in controversy, that the defendant hath a defence to said action, which such affiant believes to be just and legal, that he hath in good faith endeavored to prepare his plea, and setting forth a sufficient excuse why he has not been able so to do, or upon affidavit made by any person on behalf of the defendant, that he believes that the defendant has a real defence to said action, and has been absent from the state ever since the service of process, or upon affidavit showing that the ends of justice require that further time be given, grant, by order under his hand, further time to plead, not exceeding thirty days; which order, if filed with the clerk before the entry of judgment by default, shall during the time therein granted stay the entry of such judgment, except upon application in open court.

Judge may grant further time to plead

4. *And be it enacted*, That in all cases where the plaintiff's damages may be assessed by the court, the plaintiff may have them assessed by the court, or in vacation, by any judge thereof, at his chambers, or by the clerk thereof, unless a rule be entered at any time before the end of ten days after the plaintiff is entitled to his judgment by default, for a writ of inquiry; and either party may enter such rule where he is entitled to the same, as of course, either in term time or vacation; and where the damages are assessed by a jury, no rule for final judgment shall be entered, except by order of the court, but where the damages are assessed by the court, or a judge, or the clerk thereof, a rule for final judgment may be entered, upon filing such assessment, as of course, either in term or vacation, unless the defendant shall, within the time above limited for entering a rule for a writ of inquiry, enter a rule to assess the damages in open court, which rule may be entered in vacation, and shall be a waiver of a writ of inquiry; and where any rule for final judgment shall be entered in vacation, such judgment shall be signed and take effect as of the day when such rule was actually entered in the minutes, which shall be truly stated in such rule.

Plaintiff's damages may be assessed by court or judge in vacation.

5. *And be it enacted*, That after any judgment shall have been entered in vacation by default, the court in

Proceedings after judgment entered, may be stayed in certain cases.

which such action is, if it be made to appear to its satisfaction that the defendant has a real defence in such action, may, at the next term, on such conditions as it may deem proper, order that the defendant may plead to the action, and that further proceedings in the meantime be stayed; but if such judgment shall have been regularly obtained, and without fraud, the lien acquired thereby, and by any execution thereon, shall remain until judgment is entered for the defendant in such suit, or the amount found due the plaintiff shall be paid.

Courts always open for return of writs.

6. *And be it enacted*, That courts of law shall always remain open for the return of writs of summons, except on Sunday.

Time for filing pleas and demurrers.

7. *And be it enacted*, That all demurrers and pleas to bills in chancery shall be filed within forty days from the return day of the subpoena, unless further time be granted, and the cause, within ten days thereafter, noticed and set down for argument for the next term, by the party demurring or pleading, or a decree pro confesso may be taken in term time or vacation; *provided*, that, to prevent fraud or mistake, the chancellor may, at any time, upon notice and sufficient cause shown, grant a rule staying proceedings by virtue of such decree.

Proviso.

Time for filing answer in chancery.

8. *And be it enacted*, That the answer to any bill in chancery shall be filed within forty days from the time of filing the order for overruling the plea or demurrer, or within sixty days from the return of the subpoena, in case no plea or demurrer be filed, or a decree pro confesso may be taken, as in the next preceding section, unless further time be granted, in the manner therein provided.

Chancellor may overrule demurrer.

9. *And be it enacted*, That when a demurrer shall have been filed, which shall not be actually argued, or which, upon argument, appears to the chancellor to be frivolous, or intended for the purpose of delay, the same shall be overruled as frivolous, and the chancellor shall not grant in such suit any order extending the time to answer herein limited, unless, upon full examination of the circumstances of the case, it shall be made to appear to him that evident injustice would be done without such extension, and then he shall grant such extension, only, as may be absolutely necessary, with proper diligence, to prepare such answer.

Supreme court and court of chancery to make rules and regulations, &c.

10. *And be it enacted*, That it shall be lawful for the supreme court to make such rules and regulations, as they may deem necessary, for the proper carrying into effect the objects of this act in the courts of law, and to obviate any difficulties that may arise in practice in said courts, by rea-

son of any omissions or defects in the same; and also for the court of chancery to make the like rules and regulations in respect to the court of chancery, and the practice therein; *provided*, that said rules and regulations shall not be inconsistent with the provisions of this act, or of the constitution or laws of this state. Proviso.

11. *And be it enacted*, That it shall be the duty of the justices of the supreme court, as soon as it may be convenient after this act shall take effect, to arrange into districts the circuits of the supreme court, and the holding thereof by the said justices, in such manner as to the said justices may seem right and just with respect to said justices, and best calculated to promote the due administration of justice, which arrangement may be altered by said supreme court, from time to time, as they may deem proper. Circuits of sup. court.

Approved March 15, 1851.

AN ACT relative to the lunatic asylum.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ten thousand dollars be paid by the treasurer, out of the state treasury, to defray the current expenses of the state lunatic asylum for the present year; and that this act shall take effect immediately. \$10,000 to be paid by treasurer.

Approved March 18, 1851.

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 labor performed during a period of ten hours, on any day, in all cotton, woollen, Hours of labor.

silk, paper, glass, and flax factories, and in manufactories of iron and brass, shall be considered a legal day's labor.

Penalty for
employment
of minors un-
der certain
age.

2. *And be it enacted*, That hereafter no minor engaged in any factory, shall be holden or required to work more than ten hours on any day, or sixty hours in any week; and that hereafter no minor shall be admitted as a worker under the age of ten years in any factory within this state; that if any owner of, or employer in any factory shall knowingly employ any such minor, or shall require any minor over the age of ten years to work more than ten hours on any day, or sixty hours in any week, he shall be adjudged to pay a penalty of fifty dollars for each offence, to be sued for and recovered, in an action of debt, in the name of the overseer of the poor of the township in which such minor may be employed, together with costs of suit, and for the benefit of such minor.

Approved March 18, 1851.

AN ACT to authorize any association of persons to construct any of the branch roads authorized by the act entitled, "An act incorporating the New Jersey Railroad and Transportation Company," passed the seventh day of March, eighteen hundred and thirty-two.

Preamble. WHEREAS the use of some of the branch or lateral railroads, connecting with the New Jersey railroad, which are now authorized by law, would be beneficial to manufacturers and others, who are desirous of constructing and managing the same, independent of the said main road—now therefore,

Associations
authorized
to construct
branch roads

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any association of persons, by such corporate name as they may adopt, and having first caused a certificate thereof to be filed with the secretary of state, to construct and use any of the branch railroads, authorized by an act entitled, "An act incorporating the New Jersey Railroad and Transportation Company," passed the seventh day of March, eighteen hundred and thirty-two, by and with the consent

of said company; and for the construction and use of said branch roads, such association may hold separate capital stock, and have a separate board of directors, and shall be invested with the same privileges, and be subject to the same liabilities and reservations, as the said the New Jersey Railroad and Transportation Company are entitled and subject to.

Approved March 18, 1851.

An act to annex part of the township of Jackson, in the county of Ocean, to the township of Upper Freehold, in the county of Monmouth.

WHEREAS, by the provisions of the act entitled, "An act to Preamble. erect a part of the county of Monmouth into a new county, to be called the county of Ocean," the then township of Jackson was included in the said county of Ocean; and whereas the road leading from Freehold to Mount Holly was made part of the boundary line between the said counties of Ocean and Monmouth, thereby leaving a portion of said township of Jackson, lying north of said road, without the boundaries of said county of Ocean, unannexed to any other county or township—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Jackson, lying north of the road leading from Freehold to Mount Holly, be, and the same is hereby set off and annexed to the township of Upper Freehold, in the county of Monmouth. Part of township annexed to Upper Freehold.

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

Approved March 18, 1851.

AN ACT to authorize William Rankin, John Taylor, and John R. Davison to convey a lot of land in the city of Newark.

Trustees authorized to sell land.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Rankin, John Taylor, and John R. Davison, and the survivors and survivor of them, be, and they are hereby authorized and fully empowered to sell and convey, by a good and sufficient deed in the law, at a fair and just price, the lot of land and premises situated in Mercer street, in the city of Newark, conveyed to them in trust by James B. Pinneo and wife, by deed bearing date the eighteenth day of October, in the year of our Lord one thousand eight hundred and forty-seven, and recorded in book S. 6, of deeds, in the office of the clerk of the county of Essex, in pages 156 and 157; *provided always*, that they shall apply the proceeds arising from the said sale towards the erection of a building adjoining to, and in the rear of the church now erecting on the corner of Court and High streets, in the said city of Newark, to be used for such religious and educational purposes as are for the advancement of pure religion, as held by the denomination of Presbyterians in this country at this time, and no other purpose whatsoever.

Proviso.

Approved March 18, 1851.

A supplement to an act entitled, "An act to incorporate the Paterson and Hamburg Turnpike Company."

Company authorized to sell part of road.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Paterson and Hamburg Turnpike Company to sell or dispose, by lease or otherwise, for a term of years, that portion of their road from Acquanoek landing to Paterson, to end at some point near the court house in the town of Paterson, for the purpose of constructing a plank road on the same, subject, in all respects, to the rates of toll stipulated in the charter for such plank road.

Approved March 18, 1851.

AN ACT to incorporate the Raritan Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That Charles Dunham, Ira C. Voorhees, and Andrew Agnew, 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 Raritan Steamboat Company," for the purpose of conducting and maintaining a line or lines of steamboat or boats from New Brunswick, or elsewhere, on the waters of the Raritan, to New York; and they and their successors and assigns, in their corporate name, shall be, and are made capable in law to have, purchase, receive, lease, hold, and enjoy all kinds of real and personal estate which may be necessary, useful, or proper for the purposes of the objects of this incorporation, and the same to grant, demise, alien, pledge, convey, or dispose of, and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies for the purposes mentioned in this act.

2. *And be it enacted*, That Charles Dunham, Ira C. Voorhees, and Andrew Agnew, 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 city of New Brunswick, as they, or a majority of them, shall think proper. Commissioners to open books of subscriptions.

3. *And be it enacted*, That the stock, property, and affairs of the 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, in the city of New Brunswick, as may be provided by the by-laws of the said corporation; public notice of the time and place of holding every such election, and of all other meetings of the stockholders, shall be given, not less than twenty days previous, in one or more newspapers printed in said city of New Brunswick; every stockholder shall be entitled to a vote, either in person or by his authorized agent or proxy, Annual election of directors.

at all meetings of the stockholders, upon each share of the stock held by him or her.

Directors to
make by-
laws.

4. *And be it enacted*, That the directors, or a majority of them, shall have power to establish any by-laws, rules, and regulations, and give any instructions in relation to the management, control, and disposition of the affairs and property of the company, which are not inconsistent with other of the provisions of this act, the constitution or laws of this state or of the United States, and the same to alter, modify, and repeal; and the five stockholders who shall, at any regular election, have the greatest number of votes given by the stockholders, attending in person or by proxy, shall be directors; and may appoint their president, and such officers, superintendents, and servants, with such compensation as they may think proper, and may remove the same at their pleasure; and shall also have power to fill any vacancy that may occur among the directors, by death, resignation, or otherwise; to manage and control the property of the company.

Amount of
capital stock.

5. *And be it enacted*, That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and it shall be lawful for the said company to commence their said business so soon as fifty thousand dollars of the said 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 the said city of New Brunswick.

Transfers to
be recorded.

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

7. *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.

8. *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. Books of account to be kept.

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

Approved March 18, 1851.

AN ACT to incorporate the Good Intent and Woodbury 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 Good Intent and Woodbury Turnpike Company;" and that David E. Marshall, John L. Cooper, Hiram Morgan, Thomas A. Mason, William Stevenson, Robert Brewer, Simon Sparks, Carlton P. Stokes, Thomas A. Pierce, and John C. Smallwood, 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 Gloucester or Camden, as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of the said books, by publishing the same in "the Constitution," a newspaper printed and published at Woodbury, in the county of Gloucester. Commissioners to open books of subscription.

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; 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; and that upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay 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.

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 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

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 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 appoint a treasurer, and such other officers, agents, superintendents, and servants, as may be required to transact the business of the turnpike, 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.

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 from Good Intent, in the county of Camden, to Woodbury, in the county of Gloucester, on or near the present public highway, commonly called the old Blackwoodtown road, 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; 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 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, clay, or other material, for constructing and improving said road as aforesaid, doing 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 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.

Proceedings
in case own-
ers and com-
pany 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 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, earth, or other materials 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 ma-

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 Gloucester or Camden, in which 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, 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 Gloucester or Camden, as the case may be, 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 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, 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 femè 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, shall be at the proper costs 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 road, according to the directions of this act, 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 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, 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.

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 fairly and legibly marked the distance the

said stone or post is from Good Intent and Woodbury; 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 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 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.

Penalty for
injuring
works.

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 toll
&c.

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.

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 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 Gloucester or Camden, as the case may be, 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 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 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 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 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 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 members of the township committee so disqualified.

14. *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.

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. Powers, restrictions, and liabilities.

Approved March 18, 1851.

AN ACT to authorize the owners of lands upon tide waters, to build wharves in front of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owner of lands, situate along or upon tide waters, to build docks or wharves upon the shore, in front of his lands, and in any other way to improve the same, and, when so built upon or improved, to appropriate the same to his own exclusive use. Owners may build docks.

2. *And be it enacted*, That it shall be lawful for the owner of lands situate along or upon tide waters to build docks, wharves, and piers in front of his lands, beyond the limits of ordinary low water, in such manner as not to hinder, interfere with, or impair the public right of navigation, upon license obtained for that purpose, as herein after provided. Not to obstruct navigation.

3. *And be it enacted*, That any owners of lands situate upon tide waters, who may be desirous to build any dock, wharf, or pier in front of the same, to extend beyond the limits of ordinary low water, shall first obtain license for that purpose from the board of chosen freeholders of the county in which such lands may lie; and notice of the application for such license shall be given by advertisement, inserted for six weeks in a public newspaper published in said county, and if none be published therein, then in a newspaper circulating therein, published in an adjoining Notice to be given of application for dock.

county, and put up, for the same space of time in five of the most public places in the neighborhood of said lands; which notice shall specify the time and place of such application, and the location and dimensions of the dock, wharf, or pier intended to be built.

Board of freeholders to grant license.

4. *And be it enacted,* That the board of chosen freeholders of any county in this state, upon proof, made and filed with their clerk, of notice having been given, as herein before directed, shall hear such application, which shall be in writing; and if no objection shall be made thereto, and if the improvement applied for shall not appear to them to be injurious to public navigation, shall grant license to such applicant to build such dock, wharf, or pier, or so much thereof as shall appear not to conflict with the public right of navigation in said waters; and if any opposition be made to said application, said board may, at their own discretion, proceed to hear and determine the same, or may appoint a committee of three of their own number to examine the premises, and report on such application; after which hearing or report, said board shall grant to such applicant a license to build the dock, wharf, or pier applied for, if the same shall appear to them not to interfere injuriously with the public right of navigation, or so much thereof as they shall think does not so interfere.

License to be proved and recorded.

5. *And be it enacted,* That such license shall specify the limits of said improvement, shall be signed by the director and clerk of said board, and, before delivery, be recorded in the minutes of said board; and also, when the signing of the same by the director shall have been acknowledged or proved, in the same manner as the execution of deeds is now directed by law to be, shall be recorded in the county clerk's office of such county, in the records of deeds, and shall, when so recorded and delivered, authorize and empower the said applicant to erect the dock, wharf, or pier at any time within five years from the date thereof; and said docks, wharves, or piers, or so much thereof as may be erected within said five years, shall be vested in said shore owner, in the same manner, for the same estate, and with the same limitations over, in remainder or otherwise, as the lands along said tide waters in front of which the same were made may be; and such license shall not be assignable, except with, and as appurtenant to said lands, and shall pass, by any sale of said lands, as appurtenant thereto.

Proceedings in case the tide water is a boundary between counties.

6. *And be it enacted,* That when any owner of lands situated upon any tide water, which is a boundary between any two counties of this state, shall be desirous to build

any dock, wharf, or pier in front of the same, as mentioned in the third section of this act, the respective directors of the boards of freeholders of said respective counties, together with six other members of each of said boards, shall constitute a board of commissioners, to hear and determine the application for license for said purpose; and the application for any such license shall be made to the respective directors of said boards of freeholders, and the same shall be conducted and heard, and determined in the same manner and way, as is herein before provided with respect to the board of chosen freeholders, except that notice as aforesaid shall be given in each county; and the license shall be signed by the directors and clerks, and recorded in the minutes of the respective boards.

7. *And be it enacted*, That the board of chosen freeholders to whom any application shall be made, under the preceding section, through the director thereof, shall name and designate the six other members to be joined in the commission, who shall not be interested in the application; and the license granted by said board of commissioners may be acknowledged or proved, and recorded in the same manner as the license granted by the board of freeholders, and shall have the same operation, force, and effect.

Additional commissioners may be appointed.

8. *And be it enacted*, That any thing in this act contained, or any license granted by virtue thereof, shall not authorize any shore owner to extend any wharf, or other improvement, over lands on the shore or under water, beyond low water mark, the title to which, or any easement therein, by grant from this state or otherwise, may be vested in any other person than such shore owner; and nothing herein contained shall, before any improvement be actually made by virtue thereof, prevent the state from appropriating to public use the lands lying under water, in the same manner as could be done before the passage of this act; and the board of chosen freeholders of the county wherein the same may lie, may require any wharf so built beyond low water mark, or any part thereof, to be kept as a public wharf, open to all persons whatever, under such regulations and at such reasonable rates of wharfage as they may direct.

Wharf not to extend beyond low water mark.

9. *And be it enacted*, That any proceedings under this act may be removed into the supreme court by certiorari, and may be there examined and reviewed upon the law and facts and merits of the case; and the said court may, whenever they may deem it necessary, cause any matter of fact involved in any case, to be tried by a jury, in such county as they may see fit.

Proceedings may be removed to supreme court.

Construc-
tion of docks
&c.

10. *And be it enacted*, That all docks, wharves, and piers, which may be constructed by virtue of any license under this act, in any incorporated city or borough, which may have power to regulate and direct the manner of building docks, wharves, and piers within their limits, shall be built according to such order and direction made, pursuant to such powers.

Shore and
shore own-
ers, how con-
strued.

11. *And be it enacted*, That the term shore, in this act, shall be construed to mean the land between the limits of ordinary high and low water; the term shore line, to mean the edge of the water at ordinary high water, and the term shore owner, to mean the owner of the lands above and adjoining the shore line.

Approved March 18, 1851.

AN ACT to incorporate the Beverly Steam Power Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Packer, Edmund Morris, Caleb Perkins, William Pettit, Charles C. Bowen, William Bryan, Leonard Soby, William Soby, and their associates and successors, shall be, and they are hereby made a body corporate, by the name of "the Beverly Steam Power Company," for the purpose of erecting one or more buildings in the borough of Beverly, and placing therein such and so many steam engines as may by them be deemed necessary to furnish a sufficiency of power, and such power to lease, for manufacturing purposes, to persons occupying rooms within said building or buildings, or occupying other rooms or buildings, or any portion of them, in such quantities and at such rates as may be determined on between the said company and the said lessees, as well as for the transaction of such business as may be necessarily connected with the purposes and objects of the said corporation; and the said company may hold such lands, tenements, steam and water power, and water privileges, in the borough of Beverly, and also such personal estate, as may be necessary for conducting the business of the company in a proper manner; and the said company may at any time use such portion of the steam or water power

aforesaid for manufacturing purposes, or for other mechanical operations, and may transact such business as may be necessarily connected therewith; and the said John Packer, Edmund Morris, Caleb Perkins, William Pettit, Charles C. Bowen, William Bryan, Leonard Soby, and William Soby, or a majority of them, are hereby authorized to receive subscription to the capital stock of the said company; and the corporation hereby enacted shall continue twenty years.

Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of the said company shall not exceed twenty thousand dollars, to be subscribed for in shares of twenty dollars each; and as soon as three hundred shares shall have been subscribed for, the persons above named may, by public notice in a newspaper published in the city of Burlington for a period of not less than thirty days, call a meeting of the stockholders of the said company for the election of five directors.

Amount of capital stock.

3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, a majority of whom shall be citizens of this state, being stockholders, one of whom shall be president, and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president, who shall be a citizen of this state; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of the election.

Election of officers.

4. *And be it enacted*, That as soon as four thousand dollars of the capital stock of said company shall have been paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Burlington, it shall and may be lawful for the said company to commence their business; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding five dollars on each share

Shares forfeited for nonpayment of instalments.

for every one instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of three months after the expiration of the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments on his or their respective share or shares, so called as aforesaid, then the stock of said stockholder or stockholders, so neglecting or refusing, and all previous payments thereon, may be forfeited to the said company, for the use and benefit of said company.

Stock transferable.

5. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of said company, or in such manner as shall be prescribed by the by-laws of said corporation.

Dividends to be made.

6. *And be it enacted*, That a dividend of the profits of said company (except so much as may be set apart for a surplus fund) shall be made semi-annually, by the said president and directors, among the stockholders; and no transfer of stock shall be valid or effectual, until such transfer shall be registered or entered in a book or books, to be kept by the president and directors for that purpose.

Vacancies, how supplied.

7. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the president and directors of said company, for the time being, shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors, in like manner as if said directors had given notice, as prescribed by this act; and if, at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being shall determine, by ballot, which of such stockholders shall be directors; and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That in case it should happen that an election for directors should not be made or held on the day on which, pursuant to this act, it ought to have been made or held, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Approved March 18, 1851.

AN ACT for the relief of the Methodist Episcopal church in the village of Upper Squankum, in the township of Howell, in the county of Monmouth.

WHEREAS Samuel Lippincott, Joseph Goodenough, John B. Williams, Samuel Morris, junior, Michael Howland, and John J. Hewlett, trustees of the Methodist Episcopal church, now in the course of erection in the village of Upper Squankum, in the township of Howell, in the county of Monmouth, are desirous of selling, by public vendue or otherwise, the old meeting house in said village, heretofore used as a place of worship, together with the lot upon which it stands—therefore,

BE IT ENACTED *by the Senate and General Assembly* of the State of New Jersey, That the trustees, or their successors in office, of the Methodist Episcopal church in the village of Upper Squankum, in the township of Howell, in the county of Monmouth, are hereby authorized and empowered to sell, by public vendue or otherwise, all that lot of land, being the site of the old house of worship in the said village, together with the buildings and appurtenances, rights, liberties, and hereditaments, to the same belonging; said lot or site being the same as conveyed by deed, dated the twenty-ninth day of January, eighteen hundred and twenty-seven, executed by William Little, and Ann his wife, to Joseph Goodenough, John Hurley, Samuel Morris, William J. Patterson, and William Reynolds, trustees, &c., and recorded in the clerk's office of the county of Monmouth, at Freehold; and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, under the hand and seal of the above named trustees, or their successors in office; and upon the payment of the purchase money, by the purchaser or purchasers, to the trustees aforesaid, taking their receipt therefor, such purchaser or purchasers shall be vested with, and entitled to all the said lot of land and premises, buildings, and appurtenances thereunto belonging, to them, their heirs and assigns.

Approved March 18, 1851.

AN ACT for the more easy foreclosure of mortgages in this state.

Circuit courts to have powers of court of chancery.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all suits for the foreclosure and sale of mortgaged premises, where all the mortgaged premises are situate in the same county, the circuit court of said county shall have the same jurisdiction and powers as the court of chancery has, or may have, in like cases; and such circuit court shall proceed in the same manner as the court of chancery is or may be authorized to do, and shall be governed by the rules of the court of chancery, so far as the same are applicable; and said circuit court may issue subpoenas and all other lawful process into any of the counties of this state, and enforce obedience thereto.

Fees of solicitor.

2. *And be it enacted*, That the fees of the solicitor, for drawing and engrossing a bill in such suits, shall be five dollars, and no more.

Fees in circuit courts.

3. *And be it enacted*, That the fees and costs in suits relating to mortgages in the circuit courts, shall be the same as are allowed for similar services in the court of chancery, except that the fees of the court and clerk shall be two-thirds the sum allowed for like services in the court of chancery.

Judges and clerks of circuit courts.

4. *And be it enacted*, That the clerks of the circuit courts shall perform the same duties in mortgage cases, as are required to be performed by the clerk of the court of chancery in similar cases; and the judges of the said circuit courts shall sign the decrees in such cases, as the chancellor is required to do.

Masters and examiners in chancery.

5. *And be it enacted*, That the masters and examiners of the court of chancery shall be ex officio masters and examiners of all the circuit courts in this state, and shall have the same powers and perform the same duties, in cases commenced in the circuit courts by virtue of this act, as they have and do in like cases in the court of chancery.

Persons aggrieved may appeal.

6. *And be it enacted*, That all persons aggrieved by any order or decree of any circuit court, in mortgage cases, may appeal from the same, or any part thereof, to the court of errors and appeals, within the same time and in the same manner as appeals are now authorized from orders or decrees of the court of chancery.

Approved March 18, 1851.

AN ACT to amend an act entitled, "An act to incorporate the Passaic Mining and Manufacturing Company," approved March eighth, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly* Style of incorporation. of the State of New Jersey, That the act entitled, "An act to incorporate the Passaic Mining and Manufacturing Company" be, and the same is hereby amended, to read as follows: that William Ogilvie, Daniel H. Curtis, and such others as may hereafter be associated with them for the purposes aforesaid, 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 Passaic Mining and Manufacturing Company;" and the said company shall be capable of purchasing, holding, mortgaging, and conveying any lands, tenements, and hereditaments in the counties of Hudson, Sussex, and Morris, and any goods and chattels, wares and merchandise whatsoever, necessary to the object of the incorporation.

2. *And be it enacted,* That the stock, property, concerns, Annual election of directors. and affairs of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, who shall be annually elected on the first Tuesday of January, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in two newspapers printed in the county of Hudson, if two there be, and in one printed in the city of New York, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, as soon as may be after their election, shall, proceed, in like manner, to elect, by ballot, one of their number to be their president, who shall be a resident of this state; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, or resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; Proviso. *provided always,* that the number of directors shall not exceed five persons.

Corporation not dissolved for failure to elect on day prescribed.

3. *And be it enacted*, That in case it should at any time happen that an election of directors 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 day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Amount of capital stock.
Proviso.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars; *provided however*, that the stockholders may, at a meeting regularly called for that purpose, increase the capital of said corporation to six hundred and twenty-five thousand dollars, to be divided into shares of twelve dollars and fifty cents each; but as soon as twenty-five thousand dollars shall be subscribed and paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county of Hudson, it shall be lawful for the said corporation to commence business; and it shall also be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned, and, by the by-laws, to compel payment of instalments, not exceeding three dollars on each share at any one time, not deemed or declared full stock.

Directors to make by-laws.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe by-laws.

Stock transferable.

6. *And be it enacted*, That the stock of the said company shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company.

Transfers to be registered

7. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual, unless such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stockholders.

Public act.

8. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred

to by all judges and justices, and others, without being specially pleaded.

9. *And be it enacted*, That the corporation hereby amended shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. Limitation.

10. *And be it enacted*, That immediately on the passage of this act, a meeting of the stockholders may be called, for the purpose of organizing, according to its provisions, and choosing five directors, agreeably to the requirement of the second section of this act, giving ten days' notice thereof by advertisement, to be published in one of the daily papers printed in the city of New York, and likewise in one of the daily papers published in the county of Essex. First directors.

11. *And be it enacted*, That nothing in this act contained shall be so construed as to affect the legal rights of any person or persons of any other corporation. Legal rights of others not to be affected.

Passed March 18, 1851,

AN ACT to authorize Joseph W. Souder and William W. Deklyne, of the city of Philadelphia, to build, maintain, and keep in repair a dock or wharf in front of their lands, in the township of Chester, in the county of Burlington.

WHEREAS Joseph W. Souder and William W. Deklyne, of the city of Philadelphia, have, by their petition, represented that they are the owners of certain lands, situate in the township of Chester, in the county of Burlington, adjoining the waters of the Delaware river, and prayed that a law may be passed authorizing them to build, maintain, and keep in repair a dock or wharf extending a sufficient distance in said river, for the accommodation of vessels navigating the same—therefore, Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall and may be lawful for the said Joseph W. Souder and William W. Deklyne, J. W. Souder and others authorized to build dock

their heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of their lands in the township of Chester, in the county of Burlington, a sufficient distance into said river for the purposes aforesaid, and from time to time to rebuild and repair the same; and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; and *provided*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river, as to injure or impede the navigation of the same.

Proviso.

Penalty for
injuring/
dock.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damages which the owner or owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

When act to
take effect.

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

Approved March 18, 1851.

A supplement to the act entitled, "An act to compel the appearance of corporations to indictments and informations," approved April fifteenth, eighteen hundred and forty-six.

Penalty for
taking toll
on bridge or
turnpike not
in repair.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That, in addition to the remedy now provided against corporations by the act to which this is a supplement, where a corporation are or shall be indicted and convicted for a nuisance, for not repairing and keeping in repair any turnpike road or bridge, and shall neglect to pay the fine and costs awarded against them therefor, for the space of three months after an execution shall have been issued against them for the same, then and in such case it shall not be lawful for any corporation so neglecting, their, or any or either of their lessees, officers, or agents, or any other person, to demand or take any toll upon any part of their road, or any bridge not kept in repair, until

AN ACT providing for the collection of fines and costs.

Fines and costs, how collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever judgment shall be rendered upon any indictment in the supreme court, or any of the courts of oyer and terminer and general jail delivery, or courts of quarter sessions of the peace, of this state, such proceedings may be had thereupon, for the purpose of obtaining satisfaction of the fine and costs, or costs adjudged by writ or writs of fieri facias, in the like manner and to the same effect as in civil cases; but such execution or executions shall not have the effect to discharge the defendant or defendants from imprisonment, pursuant to the judgment of the court, until such judgment shall be satisfied.

Persons imprisoned may be placed at labor.

2. *And be it enacted*, That when, on any indictment for crime or misdemeanor, judgment shall be given in any of the courts of this state, for fine or imprisonment and costs, and for imprisonment in the county jail until such fine and cost or costs be paid, it shall be lawful to place the person or persons against whom such judgment shall be rendered at labor in said jail, until such fines and cost or costs are paid by the proceeds of such labor, or otherwise.

Writ of error to stay proceedings.

3. *And be it enacted*, That in case a writ of error shall be brought, and allowed upon any such judgment, it shall have the effect to stay proceedings upon the execution issued thereon, pending the prosecution of such writ of error.

Approved March 18, 1851.

AN ACT to incorporate the Beverly and Dunks Ferry Steamboat Ferry Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Pettit, John Packer, Joseph W. Griffith, William Soby, Leonard Soby, Caleb Perkins, Edmund Morris, and such other person or persons as may hereafter be associated with them, shall be, and hereby are ordained, constituted, and declared a body

politic and corporate, in fact and in law, by the name of "the Beverly and Dunks Ferry Steamboat Ferry Company," for the purpose of establishing a ferry or ferries from Beverly, in the county of Burlington, to some point or points upon the river Delaware, within the county of Bucks, in the state of Pennsylvania; and for that purpose the said company may purchase or lease real estate, and erect wharves, piers, slips, buildings, and other necessary appendages, within the borough of Beverly aforesaid; 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 boats running at said ferry or ferries, 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 five thousand dollars, divided into shares of ten dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such instalment or instalments, and upon such notice, as the said company may, by by-laws or otherwise, direct or appoint; and in case of a failure by any stockholder to pay his or her instalment or instalments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, to the use of said company. Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that every share of stock shall be entitled to one vote, by the holder or holders thereof, which may be given in person or by proxy, and that the board of directors of said company may, at any time hereafter, increase their capital stock to any amount not exceeding fifteen thousand dollars. Stock transferable.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of five directors, any three of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn; and no person shall be a director, but a stockholder; and a majority of the directors shall reside in the state of New Jersey. Directors to be stockholders and residents of state.

5. *And be it enacted*, That there shall be an annual election of directors held in the borough of Beverly, on the first Annual election of directors.

Monday in April next; and that all subsequent annual elections of directors shall be held at such time and place, and upon such notice, as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in April next, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until others shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, who shall be a citizen of this state, to serve until the then next annual election of directors, and until another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board or upon call of the president.

Rates of fer-
riage.

6. *And be it enacted*, That it shall not be lawful for said company to charge more than the following rates of ferriage or toll, to wit, for nine months in every year, as follows:

For each passenger, five cents.

Single passengers in wherries, ten cents.

For marketing, a barrel to be rated equal to two bushel baskets, tubs, chests, and scow baskets to be rated according to the number of bushels they hold, for each bushel, one cent.

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

For a two horse load with the carriage, not otherwise rated, thirty-seven and a half cents.

A barrel of salt, plaster, flour, sugar, liquor, &c., six cents.
A hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents.

Flour, beef, pork, iron, &c., per hundred weight, three cents.

Soap, candles, glass, chocolate, &c., per box, three cents.

Lumber, per hundred feet, six cents.

Live calves and fat hogs, per head, five cents.

Sheep and store hogs, per head, three cents.

- Fat cattle, per head, twenty-five cents.
 Cow and calf, twenty cents.
 Store cattle, horses, mules, &c., fifteen cents.
 Crate or tierce of earthenware, hamper of bottles, fifteen cents.
 Fresh shad, per hundred, or herring per thousand, twenty-five cents.

Carriages and drivers.

- Every four wheel carriage drawn by four horses, seventy-five cents.
 Every four wheel carriage drawn by two horses, fifty cents.
 Every two wheel carriage drawn by two horses, thirty-seven and a half cents.
 Every carriage drawn by one horse, twenty-five cents.
 Market carriages with their drivers, including fish wagons going to or returning from market, with four wheels drawn by two horses, thirty-seven and a half cents.
 All passengers in carriages, except the driver, to pay the same as other passengers.
 Carriages of burthen, to include charcoal, tin wagons, pedlars, &c., with their drivers, two horse loads, thirty-seven and a half cents.
 Unloaded, twenty-five cents.
 One horse load, twenty-five cents.
 Unloaded, twenty cents.
 For carrying hay, straw, hemp, flax, and other bulky articles, two horse loads, fifty cents.
 Unloaded, thirty cents.
 One horse load, forty cents.
 Unloaded, twenty cents.
 Each additional horse, ox, or mule, fifteen cents.
 Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free.
 Charity schools, with their teachers, to pass free.
 The above rates to be taken spring, summer, and fall; and the rates of ferriage and freight shall not at any time exceed double those rates.

7. *And be it enacted*, That dividends of so much of the profits of the company, as shall appear advisable to the board of directors, shall be made and paid to the stockholders semi-annually, at such stated periods as the said board shall determine; and at each annual meeting of the stockholders for the purpose of election, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders a full and complete statement of

Semi-annual dividends to be made.

the affairs of the company during the past year, and to produce the books, accounts, and papers of the company, if required to do so by any person or persons, who, separately or together, are the owner or owners of twenty shares of the capital stock of said company.

Penalty for
injuring pro-
perty.

8. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of said company, such person or persons so offending shall forfeit and pay to the said company any sum, not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Burlington, or mayor of the borough of Beverly, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Limitation.

9. *And be it enacted*, That this act shall continue in force for thirty years, and shall be deemed and taken as a public act, and the legislature reserves the right to alter, amend, or repeal the same.

Public act.

When act to
take effect.

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

Approved March 18, 1851.

AN ACT to incorporate the Beverly and Mount Holly Turnpike or Plank Road Company.

Commission-
ers to open
books of sub-
scription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That 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 Beverly and Mount Holly Plank Road or Turnpike Company;" and that James Tuthill, Wesley Ballenger, William Pettit, Caleb Perkins, Nathan Cobb, Abraham Perkins, Benjamin Ridgeway, Charles Stokes, Samuel N. Haines, John L. N. Stratton, Moreton A. Stille, and Edmund Morris, or any

seven 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 at least two of the newspapers published in the county of Burlington.

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; 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 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.

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 five 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 five hundred 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.

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 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.

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 Beverly, in the county of Burlington, by way of the village of Rancocas, to Mount Holly, in the same county, 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 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 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 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; and it shall be lawful for the said company, at any time, to drive piles and erect or build piers, wharves, platforms, or other works necessary for a safe and substantial steamboat landing on the Delaware river, at Pettit's landing, foot of Mount Holly or Centre street, in Beverly; *provided*, that Provised before the said company shall construct the said turnpike or plank road and wharves, aforesaid, it shall pay to the respective owners of the lands, over which the same may pass or be erected, all damages 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 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 shall sustain by the taking of stone, gravel, or other materials from his or her lands 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 places. Corporation not 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, Proceedings in case owners and company cannot agree.

Proviso.

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, clay, sand, earth, or other materials 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 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 or materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owner can not 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 the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested persons, of this state, commissioners, to assess the price or value of such materials as may be required by said company, and all damages to be sustained; who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, 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 said lands 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 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 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 orders 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 costs 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 turnpike or plank road, or any four continuous miles thereof, 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 ^{Provido.}

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 the 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.

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 legibly and fairly marked the distance the said stone or post is from Beverly and Mount Holly; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

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 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 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 toll,
&c.

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

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 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 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 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 or 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 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 hands and seals, or under the hands or 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 said 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

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

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.

Freeholders
may take
road, on pay-
ment of cost.

15. *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 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.

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 clerk of the county of Burlington, full and perfect statements of the cost of the construction of said road.

Public high-
ways to be
vacated be-
fore road is
laid thereon.

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.

Restrictions.

18. *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 18, 1851.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case there should be no major, or other proper officer, before whom an election for commissioned officers of uniform volunteer companies can be held, in the manner prescribed by law, in any county of this state, the commander-in-chief is hereby empowered to appoint some suitable person, with authority to hold such election. Commander in chief authorized to appoint person to hold election.

2. *And be it enacted*, That all elections heretofore held in any county of this state, for commissioned officers of uniform volunteer companies, before an officer of a superior grade to that of major, are hereby declared valid. Former elections declared valid.

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

Approved March 18, 1851.

AN ACT to authorize Samuel T. Van Dyke, John Lane, junior, Benjamin C. Parker, and John W. Parker to build docks at Long Branch.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Samuel T. Van Dyke and John Lane, junior, of Ocean township, Monmouth county, New Jersey, severally, their and each of their heirs and assigns, and Benjamin C. Parker and John W. Parker, of the township, county, and state aforesaid, jointly, their heirs and assigns, to build, maintain, and keep in repair docks or wharves upon and in front of their lands at Long Branch, in said county of Monmouth, extending a sufficient distance into said river for the accommodation of vessels navigating the same, but so as not to interfere with the free navigation thereof; and to rebuild and repair the same, when needed, and to lay vessels at said docks or wharves, and receive dockage or wharfage from all persons using the same. S. T. Van Dyke and others authorized to build dock.

Penalty for
injuring
dock.

2. *And be it enacted*, That for all injuries wilfully committed to said docks or wharves, every person committing such injury shall be liable to an action of trespass, at the suit of the owner or owners thereof, in any court of competent jurisdiction.

Approved March 18, 1851.

An additional supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, in the year of our Lord one thousand eight hundred and thirty-seven.

Grading and
paving side-
walks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the said city to pass ordinances for the levelling, grading, curbing, paving, repaving, flagging, or gravelling sidewalks, in any street or streets of said city, by the owners or occupants of lots, alleys, or passage ways fronting on or adjoining such street or streets; and to appoint one or more discreet and skilful person or persons to superintend the said work; and to prescribe the manner in which, and the materials with which, the same shall be performed; and to enforce such ordinances, by enacting penalties for noncompliance therewith, to be sued for and recovered, with costs of suit, in an action of debt, by and in the name of the treasurer of the said city, for the use of the city, before any justice of the peace thereof, or any other court having cognizance of the same.

Proceedings
in case of
neglect or
refusal to
pave, &c.

2. *And be it enacted*, That if the owner or owners of any lot, alley, or passage way, in front whereof the sidewalks shall, by any ordinance of the common council, be directed to be levelled, graded, curbed, paved, repaved, flagged, or gravelled, shall neglect to comply with such ordinance, for the space of one month from the time of its passage, it shall be lawful for the common council to cause the same to be done under the direction and superintendence of such officer or officers, or person or persons, as they may designate for that purpose, and the expense thereof, certified and sworn or affirmed to by said officer or officers, person or persons, and filed with the city clerk,

shall be, and remain a lien upon said lot, until the same shall have been paid and satisfied, and shall have priority to any recognizance, mortgage, judgment, debt, obligation, or responsibility which the said lot may become liable to, from and after the passage of this act; and to enforce the payment of said expenses, the common council may, at their option, either bring an action on the case, in any court of competent jurisdiction, in the name of the treasurer of said city, against the owner or owners of such lot, for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and recover said expenses, with costs; or, having first advertised in two of the newspapers published in said city for the space of two months, once at least in each week, giving notice of the time and place of sale, together with a particular description of the lot, and specifying the amount of money so laid out and expended on the same, may, at such time and place, sell at public sale the said lot, for the lowest term of years at which any person shall agree to take the same, and pay said expenses, and such other expenses as may be incurred by said advertisement and sale; and thereupon the mayor of said city, at the request of said common council, may give a declaration of sale to the purchaser thereof, under the common seal of said city; and such purchaser, his or her executors, administrators, or assigns, by virtue thereof and of this act, shall lawfully hold and enjoy the same, for his and their proper use, until his or her term be fully completed and ended; and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave said premises, at the expiration of the term, in as good order and condition as they were at the beginning thereof, natural wear and tear only excepted, and shall pay and discharge all taxes which shall be legally assessed thereon during the continuance of said term; if the owner or owners, mortgagee or mortgagees, of said lot shall, within one year after such sale, pay to the said purchaser, his executors, administrators, or assigns, the amount of money so by him paid to the city, with the amount paid for any fences erected, constructed, or made thereon, with twelve per cent. interest, then the said owner or owners, mortgagee or mortgagees, as the case may be, shall be entitled to reënter and repossess the said lot in the same manner, to all intents, as if such sale had not been made.

3. *And be it enacted*, That if the tenant of any lot within the said city, shall cause the sidewalk in front thereof to be Tenant may recover from landlord.

levelled, graded, curbed, paved, repaved, flagged or gravelled, in obedience to such ordinance, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him paid, laid out, and expended to and for his and their use; *provided*, that nothing in this act shall affect any contract or agreement, made or to be made, between landlord and tenant respecting such charges or expenses.

Proviso.

Actions to be brought in name of treasurer.

4. *And be it enacted*, That in all actions to be brought for the recovery of any penalty created or imposed by any ordinance made and passed, or that may be made and passed, by said common council, may be brought and prosecuted in the name of "the Treasurer of the city of Trenton," without specifying the individual name of the treasurer of said city for the time being; and that no such suit shall abate by reason of any change of the person holding such office.

Book of records to be evidence.

5. *And be it enacted*, That the book of records of the ordinances of said common council, and the printed volume or pamphlet ordinances, printed and published by the direction or authority of said common council, shall be received as evidences of the ordinances of said common council, in any court of this state.

Private st's.

6. *And be it enacted*, That all open passage ways, of two rods wide and upwards, which have not been or shall not be made public streets, according to law, shall be deemed and taken to be private streets.

Private st's or alleys may be paved, &c.

7. *And be it enacted*, That the common council of said city shall have authority, whenever to them it shall seem required by the public good, to cause any private street, court, or alley to be graded, paved, or curbed, and flagstones to be laid across the same, at proper places, and to cause the expense thereof to be assessed on the owners of property fronting or bordering on said private street, court, or alley; 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 way in which the expense of paving sidewalks is by this act authorized to be collected.

8. *And be it enacted*, That it shall be lawful for the common council, on the application of the owners of three-fourths of the property fronting on any public street, or section of a public street, to order the said street or section of a street (the same having been previously graded) to be paved, flagged, or planked, either in whole or in part, in such manner as they shall deem most advisable, under the supervision of such officer or person as they shall designate, and to cause the expenses of such work, or such part of said expense as said common council may direct, to be assessed among the owners of lots fronting on said street or section of a street; and the expense of said work, certified and sworn or affirmed to by the officer or person under whose supervision the same shall have been done, and filed with the clerk, shall fix and determine the amount thereof; and said expense shall be and remain a lien on the lots upon which the same shall have been assessed, until the same shall have been paid; and it shall be lawful for the common council to enforce the payment thereof in the same manner in which, by this act, payment of the expense of paving sidewalks may be enforced; and that after the said paving, flagging, or planking shall have been once done, then the city shall take charge of and keep the same in repair without further assessment.

Paving of streets.

9. *And be it enacted*, That all taxes hereafter assessed in said city shall be chargeable with interest from and after the day on which they shall be returned by the ward collectors as delinquents.

Interest on taxes.

10. *And be it enacted*, That all taxes which may be hereafter assessed upon any lands, tenements, or real estate in said city, shall be and remain a lien thereon for the space of two years from the date of the tax warrant, notwithstanding any devise, descent, or alienation thereof, or any judgment, mortgage, or other encumbrance thereon; and that, if the full amount of any such tax, with the interest and costs, shall not be paid and satisfied, within two months from the date of such tax warrant, it shall and may be lawful for the common council to advertise, and, if necessary, to sell said lands, tenements, or real estate for the payment of said tax, interest, and all costs, charges, and expenses, in the same manner as is prescribed by the third section of the act entitled, "A further supplement to the act entitled, an act to incorporate the city of Trenton," which supplement was approved the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-five.

Land may be sold for nonpayment of taxes.

Mistake in name not to invalidate assessment.

Provisc.

11. *And be it enacted*, That in assessing real estate within said city, no mistake, misnomer, or omission of the name or names of the owner or owners, or any of them, of such real estate, shall be sufficient to invalidate the assessment thereof, or prevent the recovery of the tax; *provided*, the premises assessed be sufficiently identified; and that the common council of said city may make all ordinances, rules, and regulations, which they shall deem necessary to secure the identification of the premises assessed, and to have periodical valuations, by competent men, of all the real estate in said city subject to taxation, to the end that each and every lot or tract may pay its fair and just proportion of tax, according to its cash value.

Part of former act repealed.

12. *And be it enacted*, That the thirty-sixth, thirty-seventh, thirty-eighth, and thirty-ninth sections of the act to which this is a supplement, be, and the same are hereby repealed.

When act to take effect.

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

Approved March 18, 1851.

AN ACT to incorporate the Camden and West Jersey Telegraph Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph C. Harris, Morris S. Wickersham, David I. Woods, Robert O'Neil, Augustus S. Barber, John C. Smallwood, and Reuben Willits, and such other persons as may hereafter be associated with them, in the manner herein after provided for, shall be, and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Camden and West Jersey Telegraph Company;" and by that name they, and their successors and assigns, shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, complaining and defending, answering and being answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter at pleasure; and 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 company shall be twenty thousand dollars, with liberty to increase the same from time to time, at the discretion of the directors, to fifty thousand dollars, which shall be divided into shares of fifty dollars each, which shares shall be deemed personal property, and shall be transferable in such manner as said corporation shall by their by-laws direct. Amount of capital stock.

3. *And be it enacted,* That the persons named in the first section of this act, or a majority of them, 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, after a sufficient amount of stock shall be subscribed, may call a meeting of the stockholders for the election of five directors, giving at least twenty days' notice of the time and place of such meeting, by advertisements, to be inserted in a newspaper published in the city of Philadelphia, and in at least two, if two there be, published in the counties in which the offices of said company may be located, in the state of New Jersey; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or any three of them, shall appoint inspectors of the first election of directors, which inspectors shall certify, under their hands, the names of the persons duly elected; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the directors for the time being shall appoint inspectors of the next election; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and at such meeting the subscription books shall be delivered to said directors; and said directors shall annually, as soon as may be after their 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 by the board of directors; and in case of the absence of the president, the said board of directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws shall provide. Commissioners to open books of subscription.

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made 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 new ones shall have been chosen in their places.

Stock for-
feited for
nonpayment
of instal-
ments.

5. *And be it enacted*, That three directors of said company shall constitute a quorum for transacting business; and the board of directors shall have power to call in the capital of said company by instalments, as the same shall be required, on thirty days' notice, by advertisements inserted in one of the newspapers published in the city of Philadelphia, and one in the state of New Jersey; and in case of the nonpayment of any of said instalments within ten days of the time specified, to declare forfeited to the company the share or shares on which such default shall have occurred, with the previous payments thereon; and they shall also have power to appoint such officers as may be necessary, and to make, from time to time, such by-laws, rules, and regulations, as to them shall seem meet, touching the management and regulation of the stock, property, estate, and effects of said corporation; *provided*, that such by-laws, rules, and regulations shall not be repugnant to this act, or to the constitution and laws of this state or of the United States.

Proviso.

Construction
of line of tel-
egraph au-
thorized.

6. *And be it enacted*, That the directors of said company shall be, and they are hereby invested with all the rights and powers necessary to survey, lay out, construct, and use a line of magnetic telegraph from Cape Island, through the towns of Bridgeton, Salem, Woodbury, and Camden, to Philadelphia, for the purpose of transmitting intelligence from Cape Island to Philadelphia and the intermediate places, on the most eligible route; and shall also have power to make, construct, and use such connecting, or side lines, leading into the county of Atlantic, or to the river Delaware, as to them may seem necessary and useful; and it shall be lawful for said company, or their agents, to enter, at all times, upon all lands, public roads, and waters, for the purpose of exploring, surveying, or laying out the route of such line of telegraph, and of locating the same, doing no unnecessary injury to private or other property; and when said route shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company to contract for and acquire the fee simple, or any lesser estate or interest, in the lands which

may be needed for said work; and upon obtaining such lands, or such interest therein, as shall be requisite, may proceed to construct and use said telegraph; and said company may construct their said telegraph either over or under public roads, or over or under navigable streams, not interfering with the travel on said roads or the navigation on such streams; and they may use either one continuous line of wires, terminating at intermediate places, or more, at their discretion.

7. *And be it enacted*, That if any person or persons shall wilfully injure, destroy, or obstruct the use of any telegraph constructed by virtue of this act, by the said company, or any of their necessary works, such person or persons, so offending, shall forfeit and pay to said company the sum of one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages. Penalty for injuring works.

8. *And be it enacted*, That it shall be the duty of said company, at all times, without charge, on request of any public officer of this state, to transmit (confidentially, if required,) messages relating to the public business thereof; and also at all times to assist the police officers of the state by the transmission of intelligence; and no other tax or duty shall be imposed on said company. Company to transmit message relating to public business.

9. *And be it enacted*, That no part of the funds of the company shall, at any time, be used in banking operations, or for any purpose whatever, inconsistent with the provisions of this act. Not to engage in banking.

10. *And be it enacted*, That this act shall be a public act, and take effect immediately; and shall be judicially referred to and taken notice of by all courts and persons, without being specially pleaded; and the legislature may, at any time hereafter, modify or repeal the same. Public act.

Approved March 18, 1851.

AN ACT relative to the boundaries of the county of Middlesex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the county of Middlesex is hereby declared to extend over and include all the Boundaries of county.

waters of the sound between Staten Island and New Jersey, lying south of Woodbridge creek, and the waters of Raritan bay, lying westward of a line drawn from the lighthouse at Prince's bay to the mouth of Matavan creek, so far as the exclusive jurisdiction thereof is conceded to the state of New Jersey, by virtue of the agreement set forth and contained in the act entitled, "An act to ratify and confirm an agreement made between the commissioners appointed by the governor of the state of New York, and the commissioners appointed by the governor of the state of New Jersey, respecting the territorial limits and jurisdiction between the said states," passed February twenty-sixth, one thousand eight hundred and thirty-four.

Approved March 18, 1851.

AN ACT to incorporate the Cedar Grove Cemetery Company, in the township of Union, in the county of Camden.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Mulford, Jacob Morril, Stephen Crocker, and their associates, be, and they are hereby made a body politic and corporate in law, under the name, style, and title of "the Cedar Grove Cemetery."

What real
estate may
be held.

2. *And be it enacted*, That the said corporation shall be composed of such persons who are, or shall be owners of stock in the said cemetery company; and that the said corporation shall have power to take and hold in fee the tract of land situate in the township of Union, near the old district school house, containing about eight acres, late the property of Colan Davis, and such other tract of land which the said corporation may hereafter add thereto, for the purpose aforesaid, not exceeding twenty acres in the whole; and that the said corporation shall hold such tract or tracts of land for the uses herein after mentioned, to wit: first, the said corporation may sell, or otherwise dispose of, the sub-lots in the said cemetery; but such sub-lots shall be occupied only as burial places for deceased human beings, with the use and privileges of the several walks and passages; and may erect on said tract or tracts of land such buildings and accommodations as they may deem suitable

for the establishment; second, the sub-lots shall be conveyed to the respective purchasers in fee, on the payment of the purchase money, and the purchaser of each lot, his or her heirs and assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the walks and passages, subject to such regulations as may be established by the said corporation, for digging graves, building vaults, and ornamenting and preserving the said plats.

3. *And be it enacted*, That the officers of the said company shall be, a board of three directors, a secretary, and treasurer, who shall be stockholders; said officers shall be elected annually, on the first Monday in April; vacancies can be filled at any regular or special meeting; the directors shall have charge and superintendence of the cemetery, and, until the first annual meeting, William C. Mulford, Jacob Morrill, and Stephen Crocker shall serve as directors for the time being; immediately before proceeding to an election, they shall report to the stockholders the state of the affairs of the company. Election of officers.

4. *And be it enacted*, That the said corporation shall raise the sum of two thousand dollars, to be expended in the purchase, embellishment, and improvement of land for the cemetery, and the erection of buildings and structures therefor; which sum shall be the capital stock, divided into two hundred shares of ten dollars each; when the said sum of two thousand dollars shall have been repaid to the said corporation, by the receipts of money from the sale of lots in the cemetery, one half of the net proceeds of subsequent sales shall belong to and be divided among the stockholders, according to their several interests; and the other half shall constitute a fund for the support and improvement of the cemetery and its appurtenances; and no tax shall be assessed on lot owners therefor. Amount of capital stock.

5. *And be it enacted*, That the rights of individual lot owners shall be created by deed from the treasurer, under the common seal; transfers of such rights among individuals shall be made on the back of said deed; and no original deed or transfer shall be valid, unless recorded in the company's books. Transfers to be recorded.

6. *And be it enacted*, That no streets or roads shall hereafter be opened through the lands of said corporation occupied as a burial ground; nor shall any part or parcel of the premises, occupied as aforesaid, ever be subject to sale by virtue of any execution or any legal process. Streets not to be opened thro' lands.

Approved March 18, 1851.

AN ACT to authorize David Ripley to build and maintain a dock or wharf upon and in front of his land on the Passaic river, in the township of Harrison, in the county of Hudson.

D. Ripley
authorized
build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for David Ripley, his heirs or assigns, to build and maintain a dock or wharf upon and in front of his land, in the township of Harrison, in the county of Hudson, on the eastern side of the Passaic river; *provided*, that said dock or wharf shall not obstruct the navigation of said river; *and provided*, that this act shall not affect the legal rights of any other person, or the common rights of the citizens of this state, or be construed to confer a right of ferry in the said David Ripley, his heirs or assigns.

Proviso.

Proviso.

Penalty for
injuring
works.

2. *And be it enacted*, That if any person or persons shall wilfully destroy, or in any way injure the said dock or wharf, such persons shall be liable for, and shall make good all damage which the owner or owners may sustain.

Commission-
ers to con-
struct wharf.

3. *And be it enacted*, That Isaac Van Wagenen, Horace J. Poineer, and Isaac Halsey shall be commissioners, under this act, with full power to examine, locate, and direct the construction of said wharf, so as to conform with the provisions of this act.

When act to
take effect.

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

Approved March 18, 1851.

AN ACT to authorize the inhabitants of the township of Freehold, in the county of Monmouth, to vote by ballot at their town meetings.

Inhabitants
authorized
to vote by
ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Freehold, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifica-

tions 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, one person commonly called a chosen freeholder, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways and poundkeepers as they may deem necessary and convenient, a town committee, consisting of three persons, a town superintendent of common schools, as many justices of the peace as the said township may be constitutionally entitled to elect, and as many constables as they shall deem necessary; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of the roads, and the amount of dog tax.

2. *And be it enacted,* That the judge of election, elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be clerk thereof; and the officers of the said election shall be eligible to any office at said election, except that of justice of the peace. Officers of election.

3. *And be it enacted,* That the election shall open at ten o'clock in the morning, and close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as may be applicable, be vested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law. Mode of conducting election.

4. *And be it enacted,* That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meeting, or the state and county election; 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 to fix the place of holding the next town meeting, or state and county election, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee of said Town committee to fill vacancies, &c.

township shall, at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they deem a special town meeting for these purposes advisable.

Township clerk to be clerk of town committee.

5. *And be it enacted*, That the clerk of said township shall be clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township; and when the town committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen to transmit a statement thereof to the clerk of the county.

Compensation of officers of election.

6. *And be it enacted*, That the reports of the town committee, the overseers of the poor, and the town superintendent of common schools, shall be filed and preserved by the town committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under this act shall be held at the court house in the village of Freehold, at which place all special town meetings shall also be held; the same ballot box shall be used at the town meeting, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election; and the town committee shall allow the clerk such compensation for the additional duties required by this act as they may deem reasonable.

When act to take effect.

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

Approved March 18, 1851.

AN ACT to authorize the erection of a draw or swing bridge over the Elizabethtown creek.

Erection of bridge authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may be lawful for the board of chosen freeholders of the county of Essex to build

and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, at or near the foot of South street, with a suitable draw or swing therein, which said draw or swing shall be at least forty feet in width, for the convenient passage of all vessels navigating the said creek.

2. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person or persons shall cut, remove, or destroy any piece of timber, draw, swing, post, or pile, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage, or cause to be damaged, the said bridge, draw, or swing, unnecessarily, he, she, or they so offending shall, for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to the said bridge, draw, or swing, to be recovered in an action of debt, before any court having a competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum for the use of the prosecutor, and the other half to the collector of the county of Essex, for the use of the said county.

Penalty for
injuring
works.

3. *And be it enacted*, That in case it should become necessary, for the protection of the said bridge and draw or swing, and the accommodation of persons passing over or through the said bridge, to have the same put in the special care of some person suitable for that purpose, then and in that case it shall and may be lawful for the board of chosen freeholders of the said county, for the time being, to make such regulations as they shall deem necessary for the better protection and accommodation of the same; *provided*, they shall be in accordance with the preceding sections of this act.

Board of
freeholders
to make re-
gulations for
protection of
bridge.

Proviso.

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

When act to
take effect.

Approved March 18, 1851.

AN ACT to incorporate the Glassborough and Malaga Turnpike Company.

Commissioners to open books of subscription.

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 Glassborough and Malaga Turnpike Company;" and that John G. Rosenbaum, Matthias R. Crane, Samuel Porch, William Nelson, William Porch, junior, Joseph F. Porch, Benjamin Beckett, Jacob P. Fisler, Gabriel Iszard, Jacob Fisler, Samuel Iszard, Thomas H. Whitney, and Thomas H. Paul, 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.

Amount of capital stock.

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; 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; 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.

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 ; 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 ten days' notice of the time and place of said meeting in the newspaper aforesaid ; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year 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, 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 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 annual election of directors, they shall elect a president, treasurer, and secretary of said company, for the term of one year and until another 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 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 and duties 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

Election 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 their said term, which statement shall be published for three weeks, successively, in at least two newspapers (if two there be) published in the county through which said road may be made.

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 at some point in the Glassborough and Carpenters Landing turnpike road, in the village of Glassborough; thence, on or near the present public highway leading through the village of Malaga, to the Cumberland county line; which said turnpike road shall be opened three 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 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 the 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 improving said road as aforesaid, doing 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 sus-

Proviso.

tain by the taking of stone or gravel from his or her lands for the constructing 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, gravel, sand, or clay 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 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 Gloucester, 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 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 Gloucester, to be by him 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

Proceedings
in case own-
ers and com-
pany cannot
agree.

Proviso.

may appeal to the circuit court of the county of Gloucester, 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 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; 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 if 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 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 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 corporation 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 Gloucester, to the clerk thereof, subject to the orders of the 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.

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, 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 or 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 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.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike 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 the said stone or post is from Glassborough and 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."

10. *And be it enacted*, That if any person shall Penalty for injuring works. 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 of debt, or other proper action, by the 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 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 toll,
&c.

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.

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 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.

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 may be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Gloucester, 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 or 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 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 order-

ed; 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 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 justice shall appoint, in the same manner above described, 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 county of Gloucester 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.

Freeholders
may take
road, on pay-
ment of cost.

15. *And be it enacted,* That before the company hereby incorporated shall be entitled to collect the tolls authorized by this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Gloucester, 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 common highways,

When act to
take effect.

Proviso.

to all intents and purposes, notwithstanding such vacation, until the route of such turnpike road shall be fixed as aforesaid.

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 March 18, 1851.

AN ACT to repeal the act entitled, "An act to incorporate the Cumberland Steamboat Company of New Jersey."

Preamble. WHEREAS the stockholders of the Cumberland Steamboat Company of New Jersey have ordered the directors of said company to sell their steamboat and other property of said company, and the same hath been accordingly sold, and the business of the said company abandoned—therefore,

Act of incorporation repealed. Proviso. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Cumberland Steamboat Company of New Jersey" be, and the same is hereby repealed; *provided*, that the powers and duties of said company, and the directors thereof, shall continue until they have settled up the business of the company, and divided the capital stock, or such part thereof as remains in their hands, among the several stockholders, according to their respective interests therein.

Approved March 18, 1851.

AN ACT to provide for the appointment of a public weigher in the township of Paterson.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the township committee of the township of Paterson, to appoint some fit person, to be called the public weigher, who is hereby authorized and required to weigh all coal that shall be sold by weight in the said town. Public weigher to be appointed.

2. *And be it enacted,* That the said township committee may erect, at some suitable and convenient place in Paterson, a public scales, to be used by the public weigher in discharging his duties under this act, and also in weighing any other articles or things for any person who may desire to have the same weighed, at proper and seasonable hours, the owner thereof paying to the said public weigher such fees as may be prescribed by the said township committee. Township committee to erect public scales.

3. *And be it enacted,* That the said public weigher, before he shall enter upon the duties of his office, shall take and subscribe an oath or affirmation, that he will faithfully, honestly, and impartially perform all the duties imposed upon him by this act; and, after filing the said oath or affirmation with the town clerk, he shall keep, in books to be provided by the town committee for that purpose, a record of the weight of each load of coal brought to the scales, the name of the person bringing it to the scales, the names of the buyer and seller thereof, the name of the person to whom the same is to be delivered, and the year, month, and day when the same was weighed by him, and subscribe his name to every such entry, and shall deliver a copy thereof to the person bringing coal or other articles to said scales to be weighed. Weigher to take oath or affirmation.

4. *And be it enacted,* That the said public weigher shall be entitled to demand and receive, for weighing coal and other articles, such fees as the said town committee shall fix and prescribe, which fees shall be paid the one half by the buyer, and the other half by the seller; but the employer shall be liable for the payment thereof in the first instance. Compensation.

5. *And be it enacted,* That whenever the purchaser of coal in said town shall, in writing, waive the weighing of any such coal by him purchased, it shall not be necessary for such purchaser, or the seller thereof, to have the same weighed, as is herein provided. Purchaser may decline having coal weighed.

Penalty for neglect of duty.

6. *And be it enacted*, That if any weigher, appointed under this act, shall neglect to attend to the duties of his office, or shall ask, demand, or receive any greater compensation for his services than shall be prescribed by the town committee of the township of Paterson, he shall forfeit and pay, for every offence, the sum of twenty-five dollars, to be recovered, with costs of suit, by any person who will sue for the same.

When act to take effect.

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

Approved March 18, 1851.

Supplement to an act entitled, "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight.

Company authorized to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Sussex Mine Railroad Company are hereby authorized and empowered to extend their railroad to connect, at points to be selected by the said Sussex Mine Railroad Company, in the counties of Sussex, Warren, and Morris, with the Morris and Essex and Sussex and Warren railroads, or either of them, with the same rights and privileges, and under the same restrictions, as are provided in the act to which this is a supplement, and to connect the track or tracks of the said Sussex Mine railroad with the said railroad or railroads.

Company authorized to issue bonds.

2. *And be it enacted*, That it shall and may be lawful for the said Sussex Mine Railroad Company to execute and issue their bonds, and to secure the same by a mortgage upon the road, property, and franchises of the said company, and to negotiate the said bonds upon such rate of interest and discount as they may deem expedient, without invalidation thereof by virtue of any statute against usury; *provided always*, that the said bonds shall not exceed in amount ten thousand dollars for each and every mile of the said railroad that may have been, or may hereafter be graded, ready to receive the superstructure; *and provided further*, that, before issuing any of the said bonds, the president and treasurer of the said company shall file an affi-

Proviso.

Proviso.

davit with the secretary of state, setting forth the number of miles which may at the time have been graded; and the secretary of state shall thereupon, from time to time, authorize the said company, in writing, to issue and sell the said bonds, not exceeding the amount per mile herein before limited.

Approved March 18, 1851.

AN ACT to authorize the construction of a plank or Macadamized road from the Princeton depot to some point in the borough of Princeton.

1. BE IT ENACTED *by the Senate and General Assembly* Style of incorporation. of the State of New Jersey, That all persons who shall become stockholders in pursuance of this act, are hereby constituted a body corporate, by the name of "the Princeton and West Windsor Plank or Macadamized Road Company."

2. *And be it enacted*, That the capital stock of the said Amount of capital stock. company shall be ten thousand dollars, to be divided into shares of twenty-five dollars each; shall be deemed personal property, and shall be assignable and transferable in such manner as shall be prescribed in and by the by-laws of such corporation.

3. *And be it enacted*, That whenever two thousand five hundred dollars of the capital stock of this company shall be subscribed, a meeting of the stockholders shall be called, at some convenient place, by advertisement in one or more of the newspapers published in the county of Mercer, at least twenty days previous to the day of the meeting, for the purpose of choosing five directors; and the persons then chosen shall be the first directors of said company, and shall hold their office for one year, or until others are appointed in their stead. Election of directors.

4. *And be it enacted*, That the said corporation is hereby Construction of road authorized. empowered to lay out, construct, and, during its existence, maintain a road from some suitable point at or near the basin of the Delaware and Raritan canal, to some convenient point in the borough of Princeton.

Description
of road.

5. *And be it enacted*, That the track of said road shall be constructed of timber and plank, or such other suitable materials as may be deemed necessary by the directors, so that the same shall form a smooth and even surface, at least sixteen feet in width; the particular manner of building said road to be determined by the directors of the said corporation.

Commissioners to open books of subscriptions.

6. *And be it enacted*, That the following persons shall be commissioners to open the books and receive subscriptions for the capital stock of said corporation, or donations therefor, viz: John A. Perrine, Thomas Wright, Henry Leard, John S. Van Dyke, and George T. Olmstead.

Toll gates may be erected.

7. *And be it enacted*, That whenever the said road shall be completed, it shall be lawful for the board of directors of said company to cause a tollgate to be erected at some suitable point on said road, and a tollgatherer to be appointed; at which gate the said company may demand and receive toll, not exceeding the following rates, to wit:

Rates of toll.

For every sled, carriage, or vehicle, drawn by one animal, one cent per mile; and one cent for every additional animal attached to said sled, carriage, or vehicle, and no more.

For every horse and rider, or led horse, one cent.

For every score of cattle, sheep, or swine, two cents; and in this proportion for a greater or less number of cattle, sheep, or swine.

Tollgatherer may detain carriage, &c.

8. *And be it enacted*, That the tollgatherer at such gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll, until the toll thereon is paid.

Penalty for injuring road

9. *And be it enacted*, That any person who shall wilfully or carelessly injure any gate or part of the 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 the said company; no load exceeding four thousand pounds, on any wagon, shall be carried on said road without the consent of a director, under the penalty of five dollars.

Directors to bestockholders.

10. *And be it enacted*, That the concerns of said company shall be managed by the directors; and no person shall be eligible to the office of director unless he shall be at the time of his election a bona fide stockholder in said company.

Commissioners to locate road.

11. *And be it enacted*, That John A. Perrine, Thomas Wright, Henry Leard, John S. Van Dyke, and George T. Olmstead are hereby appointed commissioners to locate said road on the route mentioned in the fourth section of

this act; in case either of them shall neglect or refuse to act, the judges of the county of Mercer shall appoint some disinterested freeholder of the county to supply his place; said commissioners shall, before entering upon the discharge of their duties, take and subscribe the constitutional oath of office, and shall be paid for their services by the said corporation such sum as the directors of said company may deem just.

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

Approved March 18, 1851.

AN ACT for the appointment of commissioners in relation to supplying the townships of Hoboken, Van Vorst, and the city of Jersey City with pure and wholesome water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, Edward Coles, Dudley S. Gregory, Abraham L. Van Buskirk, and John D. Ward shall constitute a board, to be known as the water commissioners for the aforesaid places. Water commissioners.

2. *And be it enacted*, That it shall be the duty of the said commissioners to examine and consider all matters relative to supplying the said townships of 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. Duty of commissioners.

3. *And be it enacted*, That the said commissioners shall have power to employ engineers, surveyors, and such other persons as, in their opinion, may be necessary to enable them to fulfil their duties under this act. May employ engineers, &c.

4. *And be it enacted*, That the said commissioners shall make a report of their proceedings under this act, which shall contain their opinion as to the best plan of furnishing the city of Jersey City and the townships of Van Vorst and Hoboken with a sufficient supply of pure and wholesome water, and an estimate of the expense of carrying such plan into effect; also the reasons and calculations upon which such opinion and estimate may be founded, Commissioners to make report.

and generally all such information connected with the object of their appointment, as they may deem important.

Copies to be delivered.

5. *And be it enacted*, That the said commissioners shall present a copy of the said report to the town committees of the said townships of Hoboken and Van Vorst, and to the mayor and common council of Jersey City on or before the first day of December, in the year eighteen hundred and fifty-one, and their said report shall be made and presented by them to the legislature, on the second Tuesday of January, eighteen hundred and fifty two.

Expenses, how paid.

6. *And be it enacted*, That all reasonable expenses to be incurred under this act, shall be paid by the corporate authorities of the aforesaid places equally, but no compensation to be paid or allowed to the said commissioners for their services.

Approved March 18, 1851.

A further supplement to an act entitled, "An act to erect a part of the county of Monmouth into a new county, to be called the county of Ocean," approved February fifteenth, eighteen hundred and fifty.

Settlement of paupers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all paupers who were chargeable to the township of Howell, in the county of Monmouth, and the township of Dover, in the county of Ocean, at the time when the act to which this is a supplement went into operation, shall hereafter be chargeable to and supported by that township within the bounds of which they have acquired their settlement, respectively.

Real and personal property of townships.

2. *And be it enacted*, That the poor house farm, and all other real and personal property now belonging to the said township of Howell, shall hereafter belong to the township of Howell and the township of Brick, in proportion to the number of inhabitants residing within the limits of each, according to the last census, and shall be owned and held by them in common; and all the real and personal property now belonging to the township of Dover, shall belong

hereafter to the townships of Dover and Brick, in the same proportion and manner, as above mentioned and described.

3. *And be it enacted*, That the township committee, and overseers of the poor of the townships of Howell, Dover, and Brick, shall meet on the first Tuesday of April next, at ten o'clock in the forenoon, at the house of Richard S. Burr, in the township of Brick, and shall then and there proceed to allot and divide between the said townships all the property or money on hand or due, in proportion to the number of inhabitants residing within the limits of each township, according to the last census; and the said township committees and overseers of the poor shall also ascertain and determine which of the paupers, now supported by the townships of Howell and Dover, shall have their residence in the township of Brick; and they may adjourn from time to time, and to such time and place as a majority of those present may think proper; and the inhabitants of the said township of Brick shall be liable to pay their just proportion of the debt, if any there be, and to support and maintain the paupers so allotted to them; and if any of the persons composing either the town committees, or either of the overseers of the poor aforesaid, shall neglect or refuse to meet at the time and place aforesaid, those assembled may proceed to make the said division; and the decision of a majority of those present shall be final and conclusive.

4. *And be it enacted*, That the township committee of the said township of Brick shall have power, and they are hereby authorized and empowered to sell and release to the said townships of Howell and Dover, respectively, all the right, share, and interest of the said township of Brick in and to the property, both real and personal, now belonging to the townships, respectively, or any part thereof, for such sum or sums as may be agreed upon by the townships interested, and to make and to deliver a good and sufficient deed or deeds for the same.

5. *And be it enacted*, That nothing in this supplement shall be so construed as to affect the rights of the said township of Brick in and to any portion of the surplus revenue of the general government to which the said township may now, or hereafter, be entitled to in the distribution of said surplus revenue.

6. *And be it enacted*, That all that part of the township of Howell, which by the formation of the township of Brick became detached from the aforesaid township of Howell, and lying on the south side of the township of Brick, be, and the same is hereby declared to belong and

attached to, and form a part of the township of Dover, and the inhabitants thereof shall have and enjoy all the franchise, rights, and privileges of other inhabitants of the township of Dover, and be subject to the same liabilities.

When act to
take effect.

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

Approved March 18, 1851.

AN ACT to incorporate Jersey City.

TITLE I.

Of the boundaries and civil divisions of the city.

Boundaries
of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Jersey City shall hereafter consist of all the territory included within the following boundaries, that is to say: commencing at the southwest corner of block number seventy-six, as shown on the map of property of Cornelius Van Vorst, being the intersection of South and Dutch streets; and from thence south, sixty degrees east, to the middle of the Hudson river; thence up the middle of said river, and parallel with Hudson street, to a point in said river, bearing south, sixty degrees east, from the mouth of Harsimus, or Mill creek; thence north, sixty degrees west, to the mouth of said Mill creek; thence up the middle of said creek, to the first branch or sprout thereof; thence, in a northwesterly direction, till it meets the Hoboken embankment; thence, along the southerly side of said embankment southwesterly, to the bridge on the Hoboken turnpike road, near the foot of the hill; thence, along the easterly line of said Hoboken turnpike, to a point on the same, near the first bend or curve of the road, and from which point the spire of Trinity church, New York, bears south, forty-three degrees forty-five minutes east, and the spire of the Presbyterian church, Jersey City, bears south, twenty-three degrees east; thence south, thirty-three degrees west, to the centre of the bridge on the turnpike leading from Jersey City to North Bergen; thence south, thirty-one degrees west, to the Mill creek, or Creek of the woods, on the south side of the New Jersey railroad; thence, down the middle of said creek, to the mouth thereof, where the same empties into Communipaw cove or bay;

thence to the corner of said block number seventy-six, the place of beginning.

And all citizens of this state, who now are or hereafter may be inhabitants within said limits, shall be, and are hereby constituted a body politic and corporate, by the name of "the Mayor and Common Council of Jersey City," with all the powers incident to a municipal corporation, and necessary for the purpose of carrying out the objects of this act. Constituted a body politic.

2. *And be it enacted*, That the said city shall be divided into four wards, in the manner following, to wit:

All that part of said city lying south of a line beginning in the middle of the Hudson river, at a point opposite the middle of the street now called York street, and from said point or place of beginning to run westerly up to and along the middle of said York street to the middle of Henderson street, and east of a line drawn thence southerly along the middle of Henderson street, as far as the same extends, and thence in the direction of said line south to the southerly boundary line of the said Jersey City, shall constitute the first ward of said city. Boundaries of first ward.

And all that part of the said city lying north of the aforesaid line, extending from the middle of the Hudson river up to and along the middle of York street to the middle of Henderson street, and east of a line running from thence, northerly, along the middle of Henderson street, to and across Newark avenue, to the middle of Prospect street, thence continuing along the middle of Prospect street, northerly, to the middle of Harsimus street, and south of a line running thence eastwardly along the middle of said Harsimus street, as far as the same runs, and thence in the direction of that line, easterly, to the middle of the Hudson river, shall constitute the second ward of said city. Boundaries of second ward.

And all that part of the said city lying west of the middle of Henderson street aforesaid, and south of the middle of Newark avenue, and southwesterly of the Newark turnpike, or avenue, to the westerly and southerly boundary lines of said city, shall constitute the third ward of the said city. Boundaries of third ward.

And all the residue of the said city, shall constitute the fourth ward thereof. Fourth ward.

TITLE II.

Of the officers of the city, their election, duties, and term of office.

3. *And be it enacted*, That the city officers shall consist of a mayor, a treasurer, a clerk of the city, an overseer of City officers.

the poor, a chief engineer of the fire department, a school superintendent, a street commissioner, two or more city surveyors, two assessors, one to be a resident of the first or second ward, and the other a resident of the third or fourth ward, and one collector of taxes, and one collector of arrears of taxes, who shall hold their offices for one year, and a recorder, who shall hold his office for five years.

Election and
appointment
of officers.

The mayor, recorder, overseer of the poor, school superintendent, street commissioner, assessors and collector, shall be elected at the charter elections; and the city clerk and treasurer, collector of arrears of taxes, and city surveyors, shall be appointed by the common council, a majority of whom shall be necessary to a choice; and the chief engineer of the fire department shall be elected by the members of said department, subject to the approval of the common council.

Ward officers.

4. *And be it enacted*, That the ward officers shall be, for each ward; three judges of election and four aldermen; as many constables in each ward as the common council shall determine by resolution, passed two months before the election; two chosen freeholders; a clerk, who shall be clerk of election, and shall perform all other duties required by law of the clerks of the townships in this state, as far as the same are not otherwise provided for by this charter; two surveyors of the highways, one poundkeeper, and one commissioner of appeals; and the aldermen of each ward shall perform such duties as, by the laws of the state, devolve ex officio on the town committeemen in the other townships of this state.

Each ward
considered a
township.

And each ward, for general purposes not provided for by this act, shall be considered a township; and each of the two city assessors shall, in the meeting of county assessors, have the same voice as the assessors of any two townships in the county.

Time and
mode of city
elections.

5. *And be it enacted*, That the city election shall be held on the second Tuesday in April, in each year, at such place in each ward as the common council shall designate; the election shall be held and conducted by the judges of election and the clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the state elections for members of the legislature, except that the return of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which return shall be a full, true, and correct copy of the original statement of the result of such election made by said judges, and shall be signed by them with their own hands, and attested by the clerk; and the

city clerk shall, when he receives said return, immediately file the same in his office, as an official paper.

6. *And be it enacted*, That every person who would, by the existing laws of the state, be entitled to vote at an election for members of the legislature, if held on that day, shall be entitled to vote at the charter election; and every person voting shall vote in the ward where he shall actually reside at the day of the election, and in no other. Who entitled to vote.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes, of those given in the city, for any city office, and of the votes given in each ward, respectively, for an office in that ward, shall be elected to that office. Election declared.

8. *And be it enacted*, That the judges of election in each ward, in every such election, shall appoint one of their number to attend the meeting of the board of city canvassers, herein after provided for, as a member thereof, and shall deliver to the judge, who shall be so appointed, the original statement of the result of such election in such ward, which shall have been made, signed, and certified, as herein before directed; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of city canvassers for such election, as members thereof. Statement of result to be delivered to city canvassers.

That the judges of election, to whom the original statements of the result of such election in the wards to which they respectively belong shall have been delivered, as directed in the preceding section of this act, together with the members of the board of aldermen whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers; a majority of said board shall be a quorum, and the city clerk shall be clerk of said board. Board, how constituted.

That such board shall meet on the Friday next after such election, at five o'clock in the afternoon of that day, at the common council chamber in said city, and at that hour, without delay, the members of said board who shall be then present, if more than six in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon as such chairman shall be appointed, it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation, in the following form: "I do swear, (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this board of city canvassers, according to law;" and thereupon one of the members of said board shall administer to said chairman, and Meeting of board.

Oath of members.

said chairman shall take an oath or affirmation in the same form as that taken by the other members of such board; and if the city clerk shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered, as herein before directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an oath or affirmation in the following form: "I do swear, (or affirm, as the case may be,) that I will faithfully execute the duties of clerk of this board, according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them, respectively, as herein before directed, and lay the same before such board; and from them the said board shall proceed to ascertain the votes given at such election, for the several persons voted for thereat, for the several offices mentioned in such statements.

Oath of clerk

Certified copy of statement may be used, if original is not produced.

9. *And be it enacted*, That if any of the judges, who shall have been appointed to attend the meeting of the board of city canvassers, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of five o'clock in the afternoon of that day, deliver or safely transmit to the city clerk the original statement of the result of the election, which shall have been delivered to him, as herein before directed; and if, from any cause, such original statement shall not be produced to said board of city canvassers at the time appointed for the meeting of said board, the city clerk shall produce and lay before the said board the certified copy thereof, filed in his office; and thereupon the said board shall proceed to make their statement and declaration from such certified copy, in the same manner and with the same effect, as if the original statement had been produced by the judge of election, to whom the same was delivered.

Written statement to be made.

10. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each.

Statement of board to be filed.

11. *And be it enacted*, That upon such statement, the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case

any two or more persons shall have received an equal number of votes for the same office, the common council shall determine between them; the statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

12. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the common council; said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in said city; and within ten days after the board shall have determined what persons have been elected to the several offices in said city, the said clerk shall cause written notices of his election to be given to each of the persons so elected.

Statement
and declara-
tion to be
published.

13. *And be it enacted*, That all elections, hereafter to be held within the said city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate, and coroners of the county of Hudson, and for members of congress, and electors of president and vice president of the United States, or for any other officers of the general or state governments, or officers of said county of Hudson, to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the common council for holding the city elections, on the day or days which now are, or hereafter may be designated for holding such elections; the polls shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges of election, before mentioned, shall preside at and conduct all such elections; and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city, entitled to vote at such elections, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered, in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

State and
county elec-
tions.

14. *And be it enacted*, That the said judges of elections shall take the same oaths, and conduct such elections, and

Mode of con-
ducting elec-
tions.

make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve, of any of the said officers of elections, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of the said wards, respectively, shall procure election boxes for the use of their wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.

Powers and
duties of the
mayor.

15. *And be it enacted*, That the mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the common council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state, or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any watchman for cause, to be by him assigned to the common council in writing; in case of his absence from the city, or his inability to perform the duties of his office, the president of the common council shall, during the continuance of such absence or inability, be vested with the powers, and execute the duties of the mayor.

Recorder.

16. *And be it enacted*, That the recorder shall have all powers in criminal matters, that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all

causes and complaints arising from the violation of any city ordinance.

17. *And be it enacted*, That the recorder of said city be, Recorder authorized to issue warrant for breach of ordinance. and he is hereby empowered, on oath, affirmation, or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process, either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance the defendant or defendants, named therein, has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and person, of the defendant or defendants; *provided*, that Proviso. in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trials of small causes, and also an appeal, as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may Proviso. be made to the common council for a remission of any penalty that may be inflicted or adjudged.

18. *And be it enacted*, That if any person having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the common council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. Penalty for not delivering over books, &c. to successor in office.

19. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe, before the mayor, city clerk, or some person authorized to administer the same, an oath, faithfully, fairly, and impar- Officers to take oath or affirmation.

tially to execute the duties of his office, according to the best of his knowledge, skill, and ability, and file the same in the office of the city clerk; and if any such person shall neglect to take such oath for twenty days after receiving notice of his election or appointment, or shall neglect, within the said twenty days, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any vacancy shall occur in any of the offices in which, by this act, the common council may make appointments, it shall proceed to appoint suitable persons to fill such vacancies.

Duties of treasurer.

20. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the common council, all moneys belonging to, or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the common council shall direct.

Money not to be paid except on warrant.

No money shall be paid out of the treasury, except on warrants signed by the mayor or acting mayor, and countersigned by the city clerk; and no warrant shall be drawn on the treasurer by said officers, except in pursuance of an order of the common council, passed at a stated meeting of the board, and entered in their minutes; all such warrants shall be numbered, and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Warrants to be recorded.

It shall be the duty of the clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called "the Warrant Book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant.

Duties of clerk.

21. *And be it enacted*, That the city clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, countersign all licenses signed by the mayor, and keep the record of the proceedings of the common council; he shall engross all the ordinances of the common council, in a book to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances,

and each ordinance shall be signed in said book by the mayor or acting mayor and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

22. *And be it enacted*, That the overseer of the poor and superintendent of schools, shall respectively perform such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties, and receive such compensation as the common council shall by ordinance direct and award.

Overseers of poor and superintendent of schools.

23. *And be it enacted*, That the commissioners of appeal shall have the same powers, and perform the same duties, and be entitled to like compensation that commissioners of appeals in the several townships of the state now have, or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him, relative thereto.

Commissioners of appeal.

The city surveyors, street commissioner, chief engineer of the fire department, and marshal shall respectively perform such duties, and receive such compensation as the common council shall by ordinance direct and award.

City surveyors, street commissioner, &c.

24. *And be it enacted*, That every member of the common council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state or ordinance of the city, for the preservation thereof, or of good order or morality, and to bring, or cause such persons to be brought, before the recorder, or some other magistrate, to be dealt with according to law.

Members of council may arrest offenders.

25. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the first Monday of May next after

Official terms of officers elected.

their election, and they shall continue in office until the end of their term.

Official terms
of appointed
officers

26. *And be it enacted*, That the official term of the city officers who shall be appointed by virtue of this act shall commence on the second Monday of May in every year, and they shall continue in office until the end of their term, and until others are appointed and qualified in their place, unless removed, as herein provided; and no appointments for the full term shall be made more than one week prior to the commencement of the said term.

Certain offi-
cers to give
bond.

27. *And be it enacted*, That the city treasurer, city clerk, collector of taxes, and collector of arrears of taxes, and such other officers as the common council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such securities as the common council may approve, for the faithful performance of their duties. And all constables shall give bonds to the city, in the manner required by law, with sureties, to be approved of by the common council.

Justices of
the peace.

28. *And be it enacted*, That for the election of justices of the peace, each ward shall be considered as a township, and until the next census, each ward shall be entitled to two justices only.

Fines.

29. *And be it enacted*, That all fines inflicted by ordinances, shall, when received, be paid into the city treasury.

TITLE III.

Of the constitution and duties of the common council.

Common
council.

30. *And be it enacted*, That the legislative power of said corporation shall be vested in a mayor and a board of aldermen; the board of aldermen shall constitute and be called the common council.

Board of al-
dermen.

31. *And be it enacted*, That the board of aldermen shall consist of the aldermen, elected from each ward; and every alderman shall, at the time of his election, be an elector of the ward in which he shall be chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

Aldermen to
be divided
into classes.

32. *And be it enacted*, That the board of aldermen, first elected under and by virtue of this act, shall, at their first meeting after their election, divide the aldermen of each ward by lot into two equal classes, one of which shall go out of office at the expiration of the first year, and the

other at the expiration of the second year; and that on the second Monday in April, of the year one thousand eight hundred and fifty-two, and every year thereafter, the said wards shall, respectively, elect two persons as aldermen of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any alderman, a person shall be duly elected to fill the unexpired term.

33. *And be it enacted*, That in case any alderman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as an alderman; any alderman may also resign his office, at any time, by filing written notice thereof with the clerk of the board; and the common council shall have power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold his office only for the residue of the term so vacated. Vacancies, how supplied.

34. *And be it enacted*, That a majority of the common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members. Quorum.

35. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president for the time being; choose officers, appoint its time and places of meeting, determine the rules of its own proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may expel a member for disorderly conduct, or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months; but no expulsion shall take place, except by vote of two-thirds of all members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence. President of council.

36. *And be it enacted*, That every ordinance of the common council shall, before it takes effect, be presented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approve it, he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same; and if two-thirds of all the members elected Ordinance to be signed by mayor.

shall then pass the same, it shall take effect as a law; but in every such case the votes shall be taken by ayes and noes, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor, within ten days after he has received it, it shall become a law, in like manner as if he had signed it; *provided always*, that each and every ordinance, so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said city, before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said common council, unless the same shall have been introduced before the said common council at a previous stated meeting.

Proviso.

Proviso.

Annual statement of receipts and expenditures, &c., to be published.

37. *And be it enacted*, That the common council shall, at least once a year, not more than thirty, nor less than twenty days before the annual city election, publish, in such of the newspapers printed in the city as they shall designate, a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer, for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the common council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means.

The statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Meetings of common council.

38. *And be it enacted*, That the common council shall hold stated meetings, at least once in each month, at such times and place as they may appoint; but the mayor, or, in his absence, any three aldermen, may call special meetings, by notice to each of the members of said council, served personally, or left at his usual place of abode.

Resignation.

39. *And be it enacted*, That resignations of any office, held under the provisions of this act, may be made to the common council.

Vacancies.

The common council may fill vacancies in any office provided for by this act, for their remainder of the current civil

year, excepting in the case of justices of the peace or aldermen.

40. *And be it enacted*, That any officer, except the mayor, may be removed from office for cause by the resolution of the common council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large on the journal of the common council.

Removal from office.
Proviso.

41. *And be it enacted*, That no member of the common council shall, during the period for which he was elected, be appointed to, or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said common council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said common council, or for any contractor under the city government.

Members of council not to hold office when emoluments are paid from city treasury.

TITLE IV.

Of the powers of the common council.

42. *And be it enacted*, That the said common council shall have power to pass, alter, and repeal ordinances, to take effect within said city for the following purposes:

Ordinances.

1. To manage, regulate, control, and protect the finances and property of the city, and for the building, erecting, and maintaining a town house, school houses, alms house, and work house, a city prison, and such other buildings as may be necessary for the objects of this charter.

Public buildings.

2. To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.

Police.

3. To establish, regulate, and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their removal and appointment; to provide fire engines, apparatus, and houses therefor, and, for the purpose of guarding against fire

Fire department.

and providing for the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowper, fire works, and other dangerous and combustible articles; and to provide water for extinguishing fires; to limit the height, and prevent, in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

Lamps.

4. To provide lamps for, and to light the streets, wharves, docks, and piers, and public squares of the city.

Pumps, &c.

5. To make and regulate wells, pumps, and cisterns in the public streets and squares.

Grading, paving, and regulating streets.

6. To make and lay out all streets, squares, and public grounds, upon all and every part of said premises, and to establish such as have already been laid out; and for planting and protecting shade trees, and from time to time to regulate the same; and to regulate and govern the leveling, pitching, and constructing of the said streets, and the raising and the levelling of all lots and grounds for buildings, as well public as private; to ascertain and establish the boundaries of all streets and public alleys in said city, and to prevent and remove all encroachments, encumbrances, and nuisances in or upon the same; to pave, MacAdamize, gravel, or plank and gutter the streets, and to compel the occupiers and owners of lots to curb and flag the sidewalks opposite their lots, and to keep the same and the gutters swept and clean, and clear of snow and ice and other impediments; to prevent horses, cattle, swine, and geese from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets, and riding or driving over or upon the sidewalks, and to regulate the speed and running of locomotive engines and railroad cars through said city; to construct and build sewers and drains in and from the public streets and squares, and such alley ways as may be dedicated for draining purposes; to regulate the building of vaults and the laying of water or gas pipes in or under the the streets, and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and sidewalks, squares and public grounds, for the purposes for which they are, or may be laid out and dedicated.

Docks, wharves, and piers.

7. To order and regulate the building of all docks, piers, and wharves in and about said city, and to regulate said docks, wharves, and piers, and the use thereof when built,

and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state and the United States, as to them may appear proper and necessary, and to order and direct that all lands under water, between high water mark and the place where such dock, wharf, or pier may be built or extended, and for such width as they may deem advisable, shall be filled in by the owner of such dock, wharf, or pier, or of the shore or shore right from whence such dock, wharf, pier, or filling up may be directed; and in case more land is thus filled in than may be necessary for the use of said wharf, as a wharf or dock, to lay out proper streets upon the same; and the residue thereof, not wanted for wharves or streets, may be appropriated to his own use, and sold by the owner of such shore or dock, so directed to construct or extend said dock, and to fill up said lands, upon his complying with such directions; but the parts reserved for public streets and a wharf shall be held by such person, or his assigns, for such purposes only; *provided*, that the improvements contemplated by this paragraph, shall not be made without the consent of a majority in interest of the owners of the shore in front of which the proposed improvement is to be made; *and provided also*, that the shore owner shall not prevent the improvement by the owners, with the consent of the common council, of any lands heretofore granted by this state.

Provisio.

Provisio.

8. To declare, by general law, what shall be considered nuisances in lots, streets, docks, and wharves, and to direct, provide for, and to enforce their removal.

Nuisances.

9. To provide health laws, and establish a board of health, and to enact all such ordinances as they may deem necessary to protect the health of the city.

Board of health.

10. To establish a board of education, and provide for their appointment; to define their powers and duties; to order and regulate public schools, and every thing appertaining thereto, in such manner as they shall deem expedient; to expend and appropriate such portion of the state school fund as shall be apportioned to Jersey City, or the wards composing the same, in the same manner as the city taxes for the support of public schools are expended.

Public schools.

11. To license, regulate, or prohibit inns or taverns, hawkers, peddlers, hucksters, butchers, slaughter houses, and markets, on such terms and under such regulations and penalties as the common council shall by ordinance impose; and no other license for such purposes within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers.

Inns and taverns.

12. To license auctioneers, carmen, hack drivers, omnibus

Auctioneers, carmen, hack drivers, &c. drivers, and porters, and to prohibit all persons, not so licensed, from following the employment of a common auctioneer, carman, hack driver, omnibus driver, or porter in said city.

Keeper of city prison, harbor masters, &c. 13. To provide that the said aldermen, or a majority of them, in common council assembled; by not less than nine concurring votes, shall and may from time to time elect and appoint keepers of the city prison, harbor masters, measurers of grain, weigh masters, cullers of staves and heading, inspectors of beef and pork, pot and pearl ashes, lumber and fire wood, coal and other fuel, and such subordinate officers and agents of said city, not herein named, as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety, and advantage of commerce, and to define and prescribe their powers and duties; which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office.

Gaming houses, &c. 14. To prevent and suppress gaming houses, and to prohibit gaming in all public houses and places, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes.

Riots. 15. To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality.

Violation of ordinances. 16. To punish, by fines or imprisonment in the city prison, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

Interments, &c. 17. To regulate or prohibit interments within the city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers, or other fire works in said city.

Dogs. 18. To restrain all dogs from running at large, and to authorize their destruction.

Fishing. 19. To regulate or prohibit the setting up or fixing of any pole or poles, for fishing in the waters within the limits of the city, whereby the lives of persons may be endangered or the navigation obstructed.

Common council may borrow money. 43. *And be it enacted*, That it shall be lawful for the said common council of Jersey City to borrow money, from time to time, for all purposes for which by this act they are authorized to raise money by tax, and to secure the payment thereof, by bond or other instrument, under the common seal and the signature of the mayor, and to provide by tax for the payment thereof; *provided*, that it shall not be

Proviso.

lawful for the said common council to raise any sum by loan, whereby the payment of the said loan shall not be otherwise provided for than by tax upon the persons and property in said city, unless at least ten aldermen, in common council convened, and the mayor shall approve the same, and then there shall not be a greater sum than ten thousand dollars raised by loan in any one year; and the said city shall not owe more than fifty thousand dollars at any one time.

TITLE. V.

Of taxes, and their collection.

44. *And be it enacted*, That it shall be lawful for the common council to raise, by tax every year, so much money as they may deem expedient, for the purposes of lighting the streets, supporting a night watch, supplying the city with water to extinguish fires, and other purposes; for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city hall or town house, a city prison, an alms house and work house, for contingent expenses, and all other purposes authorized by this charter; and that the ordinance directing the raising of said tax, shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other; which tax shall not exceed, in any one year, five mills on a dollar, of the actual value of property assessed.

Common council authorized to raise money by tax.

All taxes for city purposes shall be assessed by the two assessors, acting together, within the time directed by the laws of this state for assessing township, county, and state taxes, in the manner following:

Manner of assessment and collection.

They shall assess a poll tax on every male resident over the age of twenty-one years, who is not a pauper, not less than one dollar, or more than two dollars, which shall be a school tax, and appropriated to the support of public schools; they shall also assess all real estate and chattels, situate in the city, both of residents and nonresidents, by valuing the same at its true, full, fair value, designating the number of lots or parcels of land, and the value of personal chattels, which they assess to each person; and every person owning or having in his charge any lands or chattels in said city, shall, on application of said assessors, or either of them, disclose and specify the quantity and situation of such lands, and the amount, nature, and value of such chattels.

And if any person refuse to answer or give such infor-

mation, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth; and such person shall have no relief therefrom, before the commissioners of appeal, except for so much as exceeds the double value of his estate.

And the residue of such city tax, after deducting the amount raised by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels; as is required to make such residue; and all taxes, so assessed for city purposes, shall be collected by the collector, in the same manner as he is by law directed to collect township, county, and state taxes, and shall be paid over by him to the city treasurer, as soon as collected, and before the thirtieth day of December, in each year.

Collector to
make return
of delinquent
tax payers.

45. *And be it enacted*, That the collector of the said city, in case of the nonpayment of taxes, at the time appointed by law for the payment thereof, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the clerk of the common council of said city, on the twentieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the common council, at a meeting thereof, held next after the same shall be delivered to him; and thereupon the said common council may deliver the same to a justice of the peace, residing in said city, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, which shall be directed and delivered to the collector of arrears of taxes, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law; *provided*, that such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation, before some justice of the peace of the said city, that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said city.

Proviso.

Interest to
be charged
on unpaid
taxes.

46. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid at the time appointed by law for the collector of the said city to return a list of the delinquent tax payers, it shall be lawful for the collector of arrears of taxes to charge, receive, and collect, in addition to the amount of said tax, interest thereon, to be computed, at the rate of twelve per centum per annum, from the twen-

tieth day of December, in each year, until the same is paid; and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said city, in like manner and at the same time as he may be required to pay over to the said treasurer all taxes by him collected.

47. *And be it enacted*, That if any person or persons, from whom any tax shall hereafter be due and payable to the said city, for state, county, or city purposes, shall pay the same, or any part thereof, to the collector of said city, before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax, so paid, interest thereon, to be computed at the rate of six per centum per annum, from the time when the said tax shall be received by the said collector, until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said common council, or the collector of said city, from paying over to the treasurer of this state, or the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes.

Collector authorized to deduct interest in certain cases.

Proviso.

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

Real estate may be sold for payment of taxes.

Proviso.

and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that the lands, tenements, or real estate, so sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements, or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on said lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment, and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption.

Proviso.

Mortgagee
may redeem.

The mortgagee shall have power to redeem, at any time, until after the expiration of the six months' notice, herein specified. No mortgagee whose mortgage shall have been duly recorded before sale, for any tax or assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him at his last known place of residence (or at the post office nearest thereto); but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment, or sale. Within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said term of time for which any land, tenement, or real estate, so sold as aforesaid, shall not commence, nor shall said pur-

Proviso.

chaser, or those claiming under him, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements, or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the common council may direct; *and provided*, that if, at any sale of lands, tenements, or real estate, for assessment or taxes, the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawful for the said common council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days' notice, at least, shall be given, as aforesaid, of the said adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements, or real estate for the benefit of the city, subject to the same redemption as herein before provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate for the amount so paid, with interest at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements, or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, (and if the property has been sold therefor) the time of said sale, and to whom sold, and if redeemed, when and by whom. It shall be the duty of the city clerk to record, in a book to be called "Records of sales," all declarations of sale, to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations, when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office. It shall be the duty of the treasurer to make out two certificates

Provide.

Sale may be adjourned.

Assessments, &c., to be a lien on property.

Record of taxes and sales to be kept.

for all property redeemed, one for the person redeeming, and one to be filed in the city clerk's office.

Notice to be given of time for redemption.

49. *And be it enacted*, That it shall be the duty of the common council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes, by virtue of this act, by advertisement as aforesaid, sixty days next preceeding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon.

Assessment and collection of state and county taxes.

50. *And be it enacted*, That all state and county taxes shall be assessed by the assessors, in like manner and upon the same property, as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector in like manner and under like penalties as township collectors are directed by law; *provided however*, that the proportion or quota of tax to be levied and collected in said city, for state and county purposes, shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this state is or may be adjusted and fixed for the several townships in this state, for which purpose the assessors shall make a list of such persons and property as are by law liable to such taxes.

Proviso.

Lamp and watch district to be established.

51. *And be it enacted*, That the common council shall establish, by ordinance, certain limits in said city, to be called the lamp and watch district, and shall, in directing taxes to be raised each year, designate how much is to be raised for the expenses of lighting the streets and supporting a night watch, and shall provide that such taxes shall be assessed only on property lying within such lamp and watch district; and the assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp and watch district.

TITLE VI.

Of improvements, and assessments therefor.

Assessments for opening streets, &c.

52. *And be it enacted*, That all expense for improvements in opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, and paving streets, and for building wells, pumps, and sewers, shall be assessed upon, and paid by the lands and real estate benefited by the same, in proportion to the benefit received.

Notice of assessment to be given.

All propositions for such improvements, except for opening, altering, altering the grade of and widening streets, and constructing sewers, shall be advertised by the common

council, in one or more of the city papers, for four weeks before the same are adopted; and the parties interested shall, if they desire, have an opportunity of being heard thereon, before the common council, or their appropriate committee; *provided*, that for paving any street, or portion of a street, lying without the limits of the improved part of said city, or upon which there are no buildings erected, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners, not interested therein, who shall be appointed, by the common council, from the freeholders resident in the city; which commissioners shall examine into the whole matter, and shall determine and report in writing to the common council, what real estate ought to be assessed for such improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof; which report shall be filed in the office of the city clerk, and by him recorded in the assessment book, and shall constitute a lien on the property assessed, for the amount of such assessment.

53. *And be it enacted*, That the common council shall not alter the grade of any street, which has been fixed by any lawful authority, and which has been built upon, unless by the consent of the owners of three-fourths of the lots fronting on the part so altered, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade.

54. *And be it enacted*, That the common council shall have power to take any lands that they may judge necessary for the opening, widening, or alteration of any street, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot or parcel, or tenement, by taking part of it for such purpose; *provided*, that any street upon or along any navigable waters, within the limits of said corporation, shall not be widened so as to give the common council or corporate authorities of Jersey City any right or interest in, or control over, any docks, wharves, or piers used for ferries, commercial, or other purposes, or to deprive the owner or owners of such docks, wharves, and piers of their right, as riparian owners, or of any franchise or authority as shore owners.

Proviso.

Grade of st's not to be altered without consent of owners.

Lands may be taken on payment of value.

Proviso.

Applications
for opening
streets, &c.

55. *And be it enacted*, That when any application shall be made for opening, altering, or widening any street, or altering the grade of any street, or constructing sewers, the common council shall appoint a time when persons interested therein may be heard before them, or the appropriate committee, on the merits of such application, and shall give notice of the nature of such application, and the time and place of hearing, in one or more of the city papers, for thirty days before such time of hearing; and if the common council shall determine to open, alter, or widen said street, or to construct such sewers, they shall, after determining and defining the precise improvement to be made, appoint three judicious disinterested freeholders, residents of said city, commissioners, who shall determine what lands and real estate will be benefited by said improvements; and shall estimate the whole cost of said improvement, according to the best of their judgment; and shall cause a survey and map to be made of said improvement, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by numbers on said map; and shall assess such estimated costs upon said lands to be benefited thereby, in proportion to the benefit received by each lot or parcel in said map, estimating the benefit to be done to the residue of any lot or parcel, of which part may be taken for such improvement in the same manner as to other lands; and they shall also estimate and report the value of lands taken for such improvements, and the erections thereon, and the damages aforesaid done by taking the same, and shall report to whom said lands so taken belong, and the interest and estate of the several owners in the same, as far as practicable, and shall file said report and map with the city clerk in ninety days after their appointment; and thereupon the city clerk shall give notice of the filing of such report, within ten days thereafter, in one or more of the city papers, and continue the same for two weeks; and unless, in thirty days after the filing of said report, one half of the owners of the lands to be assessed for such improvements shall file with the city clerk a remonstrance, signed by them, or their agents, lawfully authorized, said common council shall proceed to execute said improvements.

Remonstrances
against
improvements.

But if such remonstrance shall be filed, the common council shall proceed no further in such improvement under that application; and all costs and expenses incurred by the common council in such proceeding, shall be repaid to the city by the petitioners for such improvements; and the common council may make such regulations, touching the

receiving and proceeding upon such petitions, and security for the expenses thereof, as they may deem proper.

And if no such remonstrance be filed, then the amount reported by said commissioners, as the value of any lands to be taken, and the damages by taking the same, shall be the sum to be paid by said common council to the respective owners of said lands; and the expenses of said improvements, when completed, including all interest and the costs of the proceedings, shall be assessed upon the property reported by said commissioners as benefited thereby, and in the proportion reported by them.

If the owner of any lands taken, is dissatisfied with the value and damages reported by said commissioners, or if the owner of any lands assessed, is dissatisfied with such assessment, he may apply to the justices of the supreme court, at their term held next after the end of twenty days from the expiration of the time limited for filing a remonstrance, as above provided, giving ten days' notice of such application to the city clerk, or, in his absence, to the mayor; and said justices, or a majority of them, at said term, upon petition by such person dissatisfied, setting forth the causes of his complaint, shall appoint three disinterested persons commissioners, who shall be the same in all applications regarding the same improvement; such commissioners shall meet on ten days' notice, given by any of said persons so applying to each of the others, or to his attorney, if either reside in the city, and to the city clerk, and shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses, and to compel their attendance, and the production of papers, by process of subpoena to issue out of the supreme court, and shall review the proceedings of the said commissioners, so far only as the complaint of the applicants to the supreme court is concerned, and shall report, in writing under their hands, to the common council, their estimate of the value of such lands taken and damages, and their assessment of such expenses on lands benefited, which report shall be filed with the city clerk, and shall be conclusive on all parties; and the costs of their appointment, and of the proceedings of said commissioners, shall, in case their report is more favorable to the applicant than that of the first commissioners, be paid by the city, and added to the expense of the improvement; and in case such report is not more favorable to any applicant than the first report, then said applicant shall pay all such costs and expenses; and the proportion of such costs paid by the city shall be deducted from the sum to be paid to him or assessed upon his property by the common council, and shall become a lien

Assessment
of expenses.

Persons ag-
grieved may
appeal.

thereon, and collected therefrom in the same manner as the assessment for such improvement; and in case the lands, so valued or damaged by such taking, shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall, in their report, apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assesment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives, shall, at the termination of their estates, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same; and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof; and such lien shall have priority of all other encumbrances.

Assessment
book to be
kept.

And after such improvement shall be completed, all the costs and expenses of making the same shall be reported to, and settled by the common council; and the proportion of each lot or parcel of land, designated on the original assessment map, shall be fixed and settled by a resolution of the common council, according to the provisions of this act; which resolution shall be recorded by the city clerk, in a book kept for that purpose, to be called the assessment book, and shall be signed by the president of the common council and the city clerk; which book, or a transcript thereof, certified by the clerk under the city seal, shall be conclusive evidence of such assessment.

Assess-
ments, how
paid to own-
ers.

56. *And be it enacted,* That upon completing the report of the commissioners, assessing the value of lands taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the common council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed, either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such resolution by the common coun-

eil, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys so deposited shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made, and payment refused.

57. *And be it enacted*, That any assessment, or estimate of value and damages, made by any commissioners under this act, that may be made upon principles contrary to law and to the provisions of this act, may be reviewed, and for such cause set aside by the supreme court, upon certiorari; and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew, as to the part set aside.

Assessments may be reviewed and set aside.

And, for the purpose of such examination, the supreme court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same, by affidavits to be taken for that purpose; and the city, in case of reversal, shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

58. *And be it enacted*, That the common council shall not alter any street or public highway, in such manner as to cut off any lot that shall front upon or adjoin the same from access thereto, without the consent of the owner of the lot so cut off; but the consent of any owner shall not be necessary for any alteration, except in front of that side of the block on which his lot may front or adjoin.

Restriction.

59. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before some person lawfully authorized, faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation for their services as the common council shall, by general ordinance, fix and ordain.

Commissioners of assessments to take oath.

60. *And be it enacted*, That the common council shall have power to grade, pave, and remove obstructions in all streets, public grounds, and public squares, that are or may become public streets, public grounds, and public squares, or highways, by dedication or otherwise.

Grading and paving public streets, grounds, &c.

61. *And be it enacted*, That all expenses for laying out, ornamenting, or improving public grounds and public squares, shall be paid out of the city treasury.

Expenses, how paid.

62. *And be it enacted*, That all contracts for doing work, or furnishing materials for the improvements provided for

Contracts for doing work.

in this title, shall at all times be given to the lowest bidder, he or they giving ample security for doing the same according to contract; but the common council shall be under no obligation to accept the lowest bid, and may reject all bids, if they shall think proper.

TITLE VII.

Of the auditing of claims against the city.

Claims against city to be audited.

63. *And be it enacted,* That all claims and demands against the city, shall be audited by the common council, upon days to be designated for the purpose, at least as often as once in three months. All claims must be presented in writing. They shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature, and amount of the claim made by the clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim. The book shall be provided with a column, in which shall be entered, after the claim, the date when it is audited, and the amount, if any, allowed thereon. The claims shall be audited, and the amounts allowed paid without unreasonable delay. In case the common council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon, within six months from the time the same was audited.

Notice of election.

64. *And be it enacted,* That at least two weeks before Thursday, in the second week prior to the annual city election, the common council shall cause a notice to be published in one or more of the newspapers published in said city, and the publication to be continued for two weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited. Upon such Thursday the common council shall meet, and proceed to audit all claims against the city which have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims, which it shall have allowed, or may then allow.

Claims not to bear interest in certain cases.

65. *And be it enacted,* That no claim against the city, which has been presented to the common council to be audited, shall be withdrawn from the files. No claim or demand against the city which has not been audited, or which has not been liquidated by the common council, shall

bear interest, unless it shall have been presented to the common council to be audited previous to, or at the annual auditing of claims provided for in this title ; but the provisions of this section shall not apply to claims on bonds given by the city.

66. *And be it enacted,* That no costs shall be recovered against the city, in any action brought against it for any unliquidated claim which has not been presented to the common council to be audited, nor shall costs be recovered against the city, in any action upon any unliquidated claim which shall have been allowed in part by the common council, unless the recovery shall be for a greater sum than the amount allowed by the common council, with the interest thereon from the time it was allowed.

Costs on action against city.

TITLE VIII.

Miscellaneous provisions.

67. *And be it enacted,* That all property, real and personal, all debts, dues, claims, and rights in action, or rights of any kind, that shall, at the time when this act takes effect, belong to, or be vested in the mayor and common council of Jersey City, or in the inhabitants of the township of Van Vorst, in the county of Hudson, shall belong to, and be vested in the mayor and common council of Jersey City, as incorporated by this act ; and said the mayor and common council of Jersey City may sue for and recover all debts, dues, and rights in action, in its own corporate name, by simply adding the allegation in any declaration or other proceeding, that the right or claim demanded is by virtue of this act vested in them ; and the said corporation may proceed, and prosecute or defend any suit now pending, brought by or against said mayor and common council of Jersey City, or said inhabitants of the township of Van Vorst, in the names in which said suits are now pending, in the same manner as if this act had not been passed ; and said the mayor and common council of Jersey City shall be entitled to receive any amount recovered in such suits by said former corporations, and be liable to pay any amount awarded against said mayor and common council, or said inhabitants, in such suit or proceedings.

Property vested in mayor and common council.

68. *And be it enacted,* That all taxes and assessments made and due before this act takes effect in Jersey City or the township of Van Vorst, and not then paid, shall be collected and received by the mayor and common council of Jersey City, in the name of such of the two present corporations as may be entitled to collect the same ; and the

Taxes unpaid when act takes effect.

property liable to be sold therefor, shall be sold as if this act had not been passed ; and any duty, in such collection and sale, imposed upon any officer in such present corporations, shall be performed by the corresponding officer of the mayor and common council of Jersey City, under this act.

School houses and engine houses to be erected.

69. *And be it enacted,* That the mayor and common council of Jersey City shall, as soon as can conveniently be done after this act goes into effect, erect and provide, out of the funds and at the expense of said city, suitable public school houses, fire engines and engine houses, in the territory that is now the township of Van Vorst, to an amount equal to the excess of the debt of the mayor and common council of Jersey City over that of the township of Van Vorst, beyond their respective available assets at the time this act takes effect.

Debts of Jersey City and Van Vorst.

70. *And be it enacted,* That the mayor and common council of Jersey City shall be liable to the debts, claims, and rights in action, which said mayor and common council of Jersey City and the inhabitants of the township of Van Vorst, or either of them, now are liable to, and may be sued and prosecuted for the same in any court, by adding, in the declaration or other proceeding, to the statement of the cause of action, that by virtue of this act they are liable to be sued for the same.

Salaries of officers.

71. *And be it enacted,* That the common council shall have power to fix the salary, pay, or compensation of all officers, both elected and appointed, except the aldermen, by general ordinance, and the salary or compensation of any officer, which has once been fixed, shall not be altered during the continuance of his term in office.

Former ordinances.

72. *And be it enacted,* That all ordinances of the mayor and common council of Jersey City, as at present incorporated, that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be in force until altered or repealed by the common council hereby created.

First charter election.

73. *And be it enacted,* That the first charter election under this act shall take place on the second Tuesday in April next ; and it shall be held by one judge, two inspectors of election, and one clerk, in each ward ; those of the first and second wards to be appointed by the present common council of Jersey City, and those for the third and fourth wards by the present town committee of Van Vorst township, and shall be held at such place in each ward as

the said body appointing such officers shall direct. And the said common council and town committee shall cause notice of the appointment of such officers and such places for holding the polls to be published for at least seven days before the day of election, in each of the public newspapers published in the city hereby incorporated; and the present town committee of Van Vorst, and such five members of the common council of Jersey City, as said common council shall appoint for that purpose, shall meet at the common council chamber, in Jersey City, on the morning of Friday next after such election, at ten o'clock, and be a board of canvassers of such election; and one of the judges of election in each of said wards shall bring, in person, to such board of canvassers the statement of the votes given in his ward, as made and certified by the board of election in such ward; and from such statements, the said board of canvassers shall then and there make a statement of the whole number of votes cast for each person voted for in said election, and shall declare the person who shall have received the greatest number of votes for any office, elected thereto; the said board of canvassers shall sign their names to said statement and declaration in duplicate, and shall forthwith publish such declaration in each of the public newspapers printed in said city, and shall deliver one copy of such statement and declaration to the clerk of Jersey City and one to the clerk of the town of Van Vorst.

74. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the mayor and common council of Jersey City is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness, or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

75. *And be it enacted*, That this act shall be suspended and have no further force or effect, if the assent of a majority of the electors of Jersey City, or a majority of the electors of the township of Van Vorst, who shall vote thereon, shall be refused, and for that purpose a poll shall be opened in Jersey City and in the township of Van Vorst on the twenty-seventh day of March next, 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 said city and township, respectively, and at the place in each town-

Inhabitants
not incompetent
witnesses in trials
where city is
party.

Election to
be held for
adoption or
rejection of
charter.

ship where the last election was held, of which time and place the mayor and common council of Jersey City and the township committee of Van Vorst shall give at least one week's previous notice in both the newspapers printed and published in Jersey City; and the electors entitled to vote in either place for town officers, who may vote, shall express their assent or refusal of this act, by depositing their ballots in a box provided for the purpose in said city and township; and the electors who are in favor of this law shall each deposit a ballot containing the word "Charter," written or printed thereon, and the electors who are opposed shall each deposit a ballot with the words "No charter," written or printed thereon; and a canvass and return of the votes shall be made by the said judges to the township committee of Van Vorst and to the mayor and common council of Jersey City, respectively, and published in the newspapers above mentioned; and if a majority, in either place, of the electors who shall vote at such election shall vote "No charter," then this act shall not be of any further force or effect; and the present mayor and common council of Jersey City, and all the officers of said city, and the town committee of Van Vorst, and all township officers, shall continue in office, and have all the powers and authority now vested in them by law, until the common council first elected under this act shall be sworn into office and organized, from which time said two present corporate authorities shall cease and determine, except so far as provided for in this act, or necessary to carry out its provisions.

Former acts
repealed.

76. *And be it enacted*, That all acts in relation to Jersey City and the township of Van Vorst, inconsistent with the provisions of this act, are hereby repealed; but the repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said city or township, or any person or persons, is or are entitled by virtue thereof.

Justices of
the peace
and commis-
sioners of
deeds.

77. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds, for Jersey City and Van Vorst, shall continue in office for the residue of their terms, as justices and commissioners, respectively, in that ward in which they respectively reside at the passage of this act.

Act may be
repealed.

78. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

79. *And be it enacted*, That nothing in this act con-

tained shall be construed to interfere with or impair the vested rights of persons and incorporations. vested rights of persons and incorporations.
 vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Approved March 18, 1851.

A further supplement to the act entitled, "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, and the supplement thereto, approved March sixth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first, second, third, fourth, fifth, sixth, seventh, and eighth sections of the act to which this is a supplement, and the first section of the supplement thereto, approved March sixth, eighteen hundred and fifty, be, and the same are hereby extended to the township of Green, in the county of Sussex, any thing in the said act to the contrary in any wise notwithstanding. Provisions of former act extended.

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

Approved March 18, 1851.

AN ACT to incorporate the Mantua Creek and Red Bank Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Mantua Creek and Red Bank Turnpike Company shall be opened by Joseph W. Reeves, Isaac Lodge, Joseph Jessup, Louis Whitall, Isaac Reeves, Amos J. Peaslee, Charles Whitall, Isaac Hinchman, John Commission-ers to open books of sub-
 scription.

B. Miller, William Haines, Joseph C. Gill, and John H. Bradway, or any five of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places, within the county of Gloucester, 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 the said company shall be twenty thousand dollars, with liberty for the said company to increase the same to thirty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when three 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 Mantua Creek and Red Bank Turnpike Company," and by that name shall have, hold, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Instalments,
how paid.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the 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, 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 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 said company;

Proviso.

provided, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of 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 apportionment.

Proviso.

Act void if
road is not
completed in
certain time.

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, and the said road completed within five years from the passage of this act, then 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.

5. *And be it enacted*, That when three 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, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and, at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, 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 directors.

Proviso.

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 a resident of the county of Gloucester, 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.

Election of president.

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 Gloucester, and all

Duties and powers of directors.

other officers, agents, superintendents, and 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.

Annual statement to be made.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called, by 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 meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company, to be exhibited to them by the president and directors.

Corporation not dissolved for failure to elect on day prescribed.

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.

Company authorized to construct turnpike road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, four rods wide, from the Salem road, near Berkley, in the county of Gloucester, to the river Delaware, at or near the newly established ferry at Red Bank, in said county, which turnpike road shall be made on the most direct and convenient route; and it shall be lawful for the said company, by their officers, agents, 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 no unnecessary damage; *provided*, that before the said company shall construct the said road, they shall

Proviso.

pay, or make tender of payment, to the respective owners of the lands over which the said road shall pass, all damages which the said owners will sustain by reason of the construction of said road; and in case the said company and any of such 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 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 road.

12. *And be it enacted*, That the said turnpike road shall be constructed thirty-two feet in breadth, 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 or gravel, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, along the line of said road, not less than twenty-two feet in breadth; *provided*, that in case it be necessary to erect a bridge over Great Mantua creek, in said route, and also over Woodbury creek, the said company shall construct and make, in each of said bridges, a good and sufficient draw or pivot, not less than thirty-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.

13. *And be it enacted*, That it shall and may 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, 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, clay, sand, earth, or other materials, 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 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 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, 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 said county in which such lands 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 the 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 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 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 shall 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 the 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 corporation, except in cases of appeal, as above provided for.

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 four in number, 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 or 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 of-

ficer 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.

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 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 Red Bank; 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.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such 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 an action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter on the said road, 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 on 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,
&c.

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 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
obstruction.

18. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure; or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of the said road, in the passing directions, leaving the other side of the road free and clear

for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

19. *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 a judge of the court of common pleas of the county wherein the said turnpike road or bridge is out of repair, who may be disinterested, the said judge shall immediately give notice to the president of 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 the next day, appoint, by writing under his hand and seal, three of the township committee where 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 judge may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine the said turnpike road or bridge so complained of, and report to the said judges 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 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 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 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

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

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 be paid by the persons making the complaint.

Restrictions. 20. *And be it enacted*, That this 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 19, 1851.

A supplement to an act entitled, "An act relating to the registry and returns of births, marriages, and deaths, in the state of New Jersey," approved March third, eighteen hundred and forty-eight.

Preamble. WHEREAS it has been ascertained, that the act to which this is a supplement has been, to a great extent inoperative, by reason of the inadequate compensation provided in said act for performing the duties therein required—therefore,

Compensation increased. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act, to which this is a supplement, shall be so altered and amended as to increase the compensation, named in the second, fourth, and fifth sections of said act, from five cents to ten cents, for performing the duties therein required.

Births, how reported. 2. *And be it enacted*, That the births shall be reported to the clerk of the township by the physician or midwife in attendance; and in case there is no physician or midwife in attendance at any birth, then the parents shall be required to report the birth, to the proper officer, within one month.

Secretary of state to notify clerk of omission to make returns. 3. *And be it enacted*, That should the returns from any township not be received by the secretary of state, within ten days after the expiration of the time when the same are

due, it shall be his duty to notify the clerk of the township of the omission, and require the said returns to be made.

4. *And be it enacted*, That the compensation provided to be paid to the secretary of state, by the sixth section of the act to which this is a supplement, shall be increased from fifty dollars to one hundred dollars per annum. Compensation of secretary.

5. *And be it enacted*, That this act shall take effect from and after the first day of June next. When act to take effect.

Approved March 19, 1851.

AN ACT relative to indictments.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no more than one indictment shall be presented against any person at the same term of the court for offences against the provisions of the act entitled, "An act concerning inns and taverns," or against the provisions of any of the supplements thereto; *provided*, that nothing herein contained shall prevent any number of offences against the provisions of said act and supplements from being included in the same indictment, nor to prevent the court from imposing the fine of twenty dollars, provided by law for each offence, of which any person shall be convicted upon one indictment. Indictments under act concerning inns and taverns. Proviso.

Approved March 19, 1851.

AN ACT to authorize Andrew Manderson and James Manderson to build, maintain, and keep in repair a dock or docks, wharf or wharves, in front of their lands in the township of Newton, in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Andrew Manderson and James Manderson, their A. and J. Manderson authorized to build dock.

heirs and assigns, to build, maintain, and keep in repair docks, wharves, piers, and other appliances in front of their lands, in the township of Newton, in the county of Camden, and extend the same a sufficient distance into the river Delaware, for the accommodation of vessels navigating the said river, and the building a marine railway; and from time to time to rebuild and repair the same, and to lay vessels at said dock or docks, and take and receive such dockage or wharfage therefor, from all persons using the same, as is customary and reasonable; *provided*, this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owners of said dock or docks, nor to authorize the extension of said dock or docks, or wharf or wharves, so far into said river, as to injure or impede the navigation of the same.

Proviso.

Proviso.

Penalty for
injuring
dock.

2. *And be it enacted*, That if any person or persons shall, in any way, wilfully injure the said dock or docks, wharf or wharves, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved March 19, 1851.

A supplement to the act entitled, "An act in relation to the office of secretary of state and register of the prerogative court.

Bills not re-
turned with
objections.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in case any bill shall pass both houses of the legislature, and be presented to the governor, in pursuance of the seventh paragraph of the fifth article of the constitution of this state; and the same shall not be returned to the house in which it originated within the time limited by the constitution, whereby the same has become a law, in like manner as if the governor had signed the same, it shall be the duty of the governor to endorse thereon, and sign a certificate of the true time the same was presented to him, and deliver the same to the secretary

of state, who shall endorse thereon, and sign a certificate of the time it was delivered to him, and file the same in his office, to be there safely kept, with the other laws of the same sitting, as now directed by law.

2. *And be it enacted*, That if any bill, which shall have passed both houses, and been presented to the governor, and returned by him, with his objections, to the house in which it originated, shall nevertheless afterwards become a law, in the manner prescribed by the constitution, it shall be the duty of the presiding officer of the house in which such bill originated to deliver the same to the secretary of state, who shall file the same; and the same shall be safely kept in his office, with the other laws of the same sitting, as now directed by law.

Bills returned with objections.

3. *And be it enacted*, That all drafts which shall be made upon any corporation, person or persons, by the treasurer of this state, for moneys due, shall be countersigned by the secretary of state; and it shall be the duty of the secretary of state to keep an accurate account of all and every such draft or drafts countersigned by him, as secretary, in the public books in his office, in an account to be opened therein against the treasurer; and no draft from the treasurer shall hereafter be deemed valid in the settlement of accounts, or allowed to operate against the state, without being so countersigned.

Drafts of treasurer to be countersigned.

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

When act to take effect.

Approved March 19, 1851.

AN ACT to authorize the inhabitants of the third and fourth wards of the city of Trenton, to raise money in support of common schools.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the third and fourth wards in the city of Trenton, at their next ward meeting, shall have power, by a majority of the votes polled, to determine the amount of money to be raised in support of the common schools of said wards, not exceed-

Inhabitants of ward authorized to raise money.

ing in the whole the sum of two thousand dollars, in addition to the sum authorized to be raised by the other wards of said city, which shall be levied and collected in the same manner as other taxes within said city are levied and collected.

Approved March 19, 1851.

AN ACT to vest certain real estate in the trustees of the Dutch Reformed Protestant congregation of Preakness, in the county of Passaic.

Preamble.

WHEREAS certain real estate, situate in the township of Wayne, in the county of Passaic, was heretofore conveyed to David Demarest, Samuel Van Saun, Richard Van Riper, Jacob Berdan, Henry B. Spear, and John Van Winkle, and all the rest of the builders of the church in Preakness, in the county of Bergen, by one Edo Marselis, by deed bearing date the seventh day of June, one thousand seven hundred and ninety-nine, and which tract of ground has been occupied by the said church building, and for a burying ground; and whereas the persons now composing said congregation have unanimously desired that the title of said property should become vested in the trustees of said congregation, by their corporate name—therefore,

Real estate
vested in
trustees.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that tract or lot of ground on which has been erected the Preakness church, situate in the township of Wayne, in the county of Passaic, and which lot or parcel of ground, consisting of one acre, was conveyed to David Demarest and others, in the preamble named, by one Edo Marselis, by deed, bearing date the seventh day of June, one thousand seven hundred and ninety-nine, be, and the same shall hereafter be vested and remain in the trustees of the Dutch Reformed Protestant congregation of Preakness, in said county.

Approved March 19, 1851.

A further supplement to the act entitled, "An act for the preservation of clams and oysters," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person, who is not at the time an inhabitant and resident of this state, and who shall not have been for six months next preceding an inhabitant and resident as aforesaid, to take, rake, or gather oysters, clams, or shellfish, in any of the rivers, bays, or waters of this state; and every person offending herein shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court before which the conviction shall be had; *provided*, such imprisonment shall not exceed, in any case, the term of six months, nor the fine exceed the sum of one hundred and fifty dollars. Penalty for taking oysters by non-residents. Proviso.

2. *And be it enacted*, That every person offending against the provisions of the twelfth section of the act to which this is a supplement, shall, in addition to the penalty therein mentioned, be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court before which the conviction shall be had; *provided*, such imprisonment shall not exceed, in any case, the term of six months, nor the fine exceed the sum of one hundred dollars. Penalty for offending against provisions of former act. Proviso.

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

Approved March 19, 1851.

A supplement to an act entitled, "An act to incorporate the Union Manufacturing Company."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Union Manufacturing Company be, and is hereby authorized to manufacture metals or ores, in the counties of Essex, Morris, and Sussex, as well as in the county of Hudson, under the act to which this is a supplement. Authorized to manufacture in Essex, Morris, and Sussex.

Approved March 19, 1851.

A supplement to "An act respecting the office of treasurer," approved April seventeenth, eighteen hundred and forty-six.

Bond of treasurer, how long to be in force.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the official bond of every person appointed to the office of treasurer of this state, shall remain and continue in full force and effect against such treasurer, and his sureties, not only as mentioned in the fifth and tenth sections of the act to which this is a supplement, but also until he shall have delivered to the person appointed to succeed him in office, all the balances of moneys, evidences of public stocks, securities, and other effects in his office or hands, belonging to the state; and if any person shall be reappointed treasurer, then until a new official bond shall have been duly executed and approved of by the legislature, and deposited in the office of secretary of state.

When act to take effect.

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

Approved March 19, 1851.

AN ACT to annex the borough of South Trenton to the city of Trenton.

Borough of South Trenton annexed to Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the territory which is embraced within the bounds of the borough of South Trenton, in the township of Nottingham, in the county of Mercer, be, and the same is hereby set off from the township of Nottingham, and annexed to, and made a part of the city of Trenton, to all intents and purposes as if said territory had originally been a part of said city; and that the inhabitants of said territory, and their successors for ever, shall be members of the corporation created by the act incorporating said city, by the name, style, and title of "the Inhabitants of the city of Trenton;" and that the charter of said city, and the several supplements thereto, and all laws passed in relation to said city; and all ordinances heretofore passed by the common council of said

city, shall have the same force and effect within the territory hereby annexed, as they have heretofore held, and now rightfully have, within the original limits of said city.

2. *And be it enacted*, That the said "the Inhabitants of the city of Trenton" and their successors shall, by this act become, and they are hereby declared to be absolutely and completely vested with, and possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and equity, in possession, reversion, or remainder, which at the time this act shall take effect may be vested in or belong to "the Burgesses and Inhabitants of the borough of South Trenton," in their corporate capacity, as now incorporated, according to such estate and interest as the said "the Burgesses and Inhabitants of the borough of South Trenton," at the time this act shall take effect, may have, or of right ought to have, in the same; *provided*, that nothing in this act contained shall affect any suit or suits now pending in the name of "the Inhabitants of the city of Trenton," or in the name of "the Burgesses and Inhabitants of the borough of South Trenton," or in the name of "the Inhabitants of the township of Nottingham, in the county of Mercer."

Property, &c., vested in inhabitants of the city of Trenton.

Proviso.

3. *And be it enacted*, That the justices of the peace elected in the township of Nottingham, and now in commission, shall hold their offices until their respective terms shall expire, as if this act had not been passed; at the expiration of said terms there may be elected within the territory hereby set off from said township of Nottingham, two justices for each ward herein after created, and within the remainder of said township one justice; and the same number of justices may be elected from time to time, until the number which each of said wards and said township may be entitled to, shall be determined according to law, by the next census, to be taken by the general government of the United States.

Justices of the peace.

4. *And be it enacted*, That the next annual town meeting for the township of Nottingham, shall be held at the house of Samuel Crossley, in the village of Lamberton.

Town meeting in Nottingham.

5. *And be it enacted*, That all paupers who may, when this act shall take effect, be chargeable to the township of Nottingham, shall thereafter be chargeable to, and supported by either that township or the city of Trenton, as would have been the case had this act been in force at the time said paupers, respectively, acquired the legal settlement by virtue of which they are to be supported; and all

Settlement of paupers.

persons whose settlements, when this act shall take effect, may be within the bounds of the borough of South Trenton, and who may thereafter become chargeable as paupers, shall be supported by the city of Trenton.

Committee
to divide
property,
&c.

6. *And be it enacted*, That the township committee of the township of Nottingham, and a committee of five, to be appointed by the common council of the city of Trenton, shall meet on the first Monday in May next, at the city hall, in said city of Trenton, at ten o'clock in the forenoon; and shall then and there, or as soon thereafter as may be, proceed, by writing, signed by a majority of the members of each committee, to allot and divide between said township and said city all the paupers of said township, upon the principles laid down in the preceding section; and all the property and moneys on hand or due to or from said township, in proportion to the taxable property and ratables within the respective limits of said township, as the same shall remain, and the part of said township hereby set off, as valued by the assessor at the last assessment, and the said township of Nottingham and the said city of Trenton, shall be liable to pay their respective proportions of the debts due by said township, as allotted and divided as aforesaid; and if any of the persons composing either of said 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 of each committee shall be final and conclusive; *provided*, that it shall be lawful to adjourn said meeting from time to time, as a majority of those assembled shall see fit.

Proviso.

Surplus re-
venue.

7. *And be it enacted*, That said city of Trenton shall have its proportion, according to the principle laid down in the preceding section, and to be allotted and divided by the same committees, of the surplus revenue of the general government now deposited with the township of Nottingham, and the interest due thereon, and thereupon said township of Nottingham shall be discharged from, and said city of Trenton shall be liable for, so much of said surplus revenue as may be allotted to said city of Trenton.

Former act
repealed.

8. *And be it enacted*, That the act entitled, "An act to erect part of the township of Nottingham, in the county of Mercer, into a borough, to be called the borough of South Trenton," passed the twenty-eighth day of February, one thousand eight hundred and forty, and all the supplements thereto, be, and the same are hereby repealed; but that this repeal shall not affect the rights, if any, which said

borough, or any individual, may have acquired under or by virtue of said act, or any supplement thereto.

9. *And be it enacted*, That the territory hereby annexed Territory annexed to be divided into wards. to the city of Trenton shall constitute two wards of said city, the dividing line between which shall be the middle of the street called Bloomsbury street, from the Assanpink bridge to its intersection with the middle of the street called Lamberton street, and thence along the middle of Lamberton street to the line of the township of Nottingham; that part of said territory lying to the east of said dividing line shall be called the third ward, and that part lying to the west of said dividing line shall be called the fourth ward; the ward called the east ward of said city of Trenton shall be called the first ward, and the ward now called the west ward of said city shall be called the second ward.

10. *And be it enacted*, That the same number of officers Officers of wards. now required by law to be elected in the several wards of said city, except members of common council, shall be elected annually in each of the wards constituted by this act.

11. *And be it enacted*, That at the first annual ward Members of common council. election in each of the wards created by this act, there shall be elected, besides the other officers electable, six members of the common council; at the first meeting of the common council thereafter, these members shall, by lot, divide themselves into three equal classes; the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, and at every annual ward meeting thereafter, each ward shall choose the same number of members of council as the other wards of said city.

12. *And be it enacted*, That the annual meetings of the Ward meetings. wards hereby created shall be held at the same time and in the same manner as the ward meetings of the other wards in said city; the first annual meeting of the third ward shall be held at the house now occupied by Benjamin S. Gordon, and the first annual meeting of the fourth ward shall be held at the house now occupied by Charles F. McCoy; the voters who attend at the hour appointed shall choose three judges and a clerk of the first election, who shall be sworn or affirmed faithfully to execute their offices, by any justice of the peace; said officers to hold said elections, and make returns thereof, in the same manner as is required by law of other ward election officers.

13. *And be it enacted*, That this act shall take effect on When act to take effect. the second Monday in April next.

Approved March 19, 1851.

AN ACT to incorporate the city of Paterson.

Inhabitants
incorporated

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the inhabitants of all that part of the county of Passaic, embraced within the limits of the township of Paterson be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the President and Council of the city of Paterson;" and they and their successors may use a common seal, and, by their corporate name, shall be in law, within the limits and under the restrictions herein after prescribed, capable of purchasing, holding, and conveying, for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held, or conveyed; and the said president and council of the city of Paterson, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which, at the time of the passing of this act, are vested in or belong to the inhabitants of the township of Paterson, in their corporate capacity, and be liable to pay all the just debts of the said inhabitants of the township of Paterson, owed in their corporate capacity.

Boundaries
of south
ward.

2. And be it enacted, That the said city shall be divided into three districts or wards, in the manner following, to wit: all that part of the said city lying south of a line commencing at the point at which the Little Falls turnpike road crosses the boundary line of the said city; thence, running down the middle of the said turnpike, with the several courses thereof, to Congress street; thence easterly, along the middle of Congress street, to Market street; thence, along the middle of Market street, to the Ramapo railroad; thence, along the middle of the road leading by the Presbyterian cemetery, until it meets the easterly boundary line of the said city, shall constitute the south ward of the said city; and all that part of the said city lying within the following boundaries, to wit: beginning at the said point where the Little Falls turnpike road crosses the boundary line of the said city; thence down the middle of said turnpike road, with the several courses thereof, to Congress street; thence easterly, along the middle of Congress street, to the corner of Main street; thence northerly, along the middle of Main street and Parke street, to the middle of the Passaic river, at the lower or present

Boundaries
of west ward

county bridge; thence up the middle of the Passaic river, with the several courses thereof, to the boundary line of the said city, at the most westerly point; and thence, along that line, to the place of beginning, shall constitute the west ward of the city of Paterson; and all that part of the said city lying within the following bounds, to wit: beginning at the said lower or present county bridge, in the middle of the Passaic river; thence, running southerly along the middle of Parke street and Main street, to the middle of Congress street; thence easterly, along the middle of Congress and Market streets, to the Ramapo railroad; thence, along the middle of the road leading to the Presbyterian cemetery, until it meets the eastern boundary line of the said city; thence northerly and northwesterly, along the said boundary line, to the middle of the Passaic river; thence up the said river, in the middle thereof, to the place of beginning, at the said lower or present county bridge, shall constitute the east ward of the city of Paterson.

Boundaries
of east ward.

3. *And be it enacted*, That hereafter, and until otherwise provided for by law, there shall be elected in and for the said city, a president of the city council, six district or ward committeemen, who shall, together, compose and constitute said council; one clerk of the city, two coroners, three assessors, three collectors, three constables, one overseer of the poor, three commissioners of appeal in cases of taxation, two chosen freeholders, two surveyors of the highway, six school committeemen, three judges of election, and three clerks of wards; and an election shall be held in each of the wards of said city on the second Monday in April next, and on the second Monday in April in every succeeding year thereafter, between the hours of eight o'clock in the morning and seven o'clock in the evening, at such places as the city council shall appoint, of which places the said council shall cause notice to be published, in two or more newspapers printed in the said city, at least one week before the day of election; at which election, till otherwise provided for by law, there shall be voted for, and chosen from among the inhabitants of said city, entitled to vote in the same, one person to be president of the city council, one person to be clerk of the city, two persons to be coroners for the city, two persons to be chosen freeholders, two persons to be surveyors of the highways, and one person to be overseer of the poor; and there shall be voted for, and chosen in each of the said districts or wards, from among the residents of said wards entitled to vote in the same, two district committeemen, one assessor, one collector, one judge of election, one commissioner of appeal in cases of taxation,

Annual elec-
tion for city
officers.

one clerk of the ward, two school committeemen, and one constable ; and all persons who are or may be qualified to vote at town meetings, shall be entitled to vote at such elections, in the wards in which they shall reside on the day of election ; the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the ward ; and after the poll shall be closed, the judge of election, collector, and assessor of each ward, who shall be the judges of election, shall count the votes given for the several candidates, and certify who are elected to the respective ward offices, under their hands, and within three days after such election deliver such certificates to the clerks of the wards, and also copies thereof to the clerk of the city and of the county, to be by them filed and preserved in their respective offices ; and said judges of election shall make a separate certificate of the number of votes given to candidates for city offices ; and the clerk of the city and the city council shall add together the votes so certified from the several wards ; and the persons having the highest number shall be declared elected ; and certificates of the result shall be recorded in the book of minutes of the city, and a copy thereof filed in the office of the clerk of the county ; and the persons so declared elected to the offices for which they have been voted for, respectively, shall enter into, and continue in office one year and until others are elected and duly enter into office in their stead ; *provided however*, that the first election for such officers, to be holden on the second Monday of April next, shall be held under the direction of John Hopper, Henry Doremus, and William Crosset, of the south ward, James Lynch, Charles H. May, and Henry Whitely, of the west ward, and Samuel A. Van Saun, John Brown, and David Roe, of the east ward, who are hereby appointed commissioners for that purpose, and who shall severally designate the places in the several wards for holding such election, and give such notice thereof as is before prescribed by this section ; and such commissioners shall severally appoint a clerk of election in each ward, and conduct such election, and certify the result, in all respects, as herein enjoined for the regulation of subsequent elections.

Proviso.

Commissioners to hold first election.

Powers and duties of certain officers.

4. *And be it enacted*, That the clerk of the city, the coroners, the assessors, the collectors, the constables, the commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of highways, the school committeemen, the overseer of the poor, and the judges of election, elected under this act, shall respectively possess the powers and perform the duties of the like officers of any township

of this state, under such limitations, or increase of their powers and duties, as shall be imposed or conferred upon them, respectively, by this act; and the members of the council of said city shall, collectively and individually, possess the powers and perform the duties imposed upon members of the township committee by law, under the act respecting townships, title thirty-six, chapter one, and be entitled to like compensation, with such limitations or increase of their powers and duties as shall be imposed or conferred by this act.

5. *And be it enacted*, That the assessors of the several wards of said city shall assess upon persons and property within the said city, and the collectors of the several wards of said city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of the said city, in the same manner and within the same time as the assessors and collectors of the township of Paterson are or may be required by law to assess and collect the state and county taxes in said township; and when the assessors shall have completed their assessments, they shall meet the city council at such time and place, within the said city, as shall be designated by the city council, through their clerk; and the said council and assessors, in joint meeting, shall examine the assessments, and if, upon such examination, a majority of said board shall deem any assessment to exceed or fall short of a just amount, and advise an alteration in the same, then it shall be the duty of the assessors so to alter or amend; and the commissioners of appeal in cases of taxation shall meet at such place within the said city as the city council shall designate, through their clerk, and upon the same day, and upon the same notices given, as now are by law required for the meeting of the like officers of the township of Paterson; and, when so met, shall have full power and authority to hear and determine on all complaints of unjust taxation, whether the same be assessed for the use of the state, county, or city, in the same manner as the like officers of the township of Paterson are authorized and required to do; and it shall be the duty of the several assessors to attend at the same time and place before the said commissioners, and to offer such reasons as they may think proper in support of the assessment or assessments appealed from.

6. *And be it enacted*, That all elections hereafter to be held within the said city for members of the senate and general assembly, clerk, surrogate, sheriff, and coroners of the county.

Assessment
and collection
of taxes

State and
county elec-
tions.

of Passaic, and for members of congress and electors of president and vice president of the United States, or for any other officers of the general or state governments that may be eligible by the people, shall be held in the several wards of the said city, at the place therein appointed by the city council for holding the city elections, on the day now, or hereafter designated by law for holding such elections; the polls shall be opened and closed at the hours prescribed by law, the judge and inspectors of election, before mentioned, shall preside at and conduct all such elections, and the clerks of said wards shall be clerks of such elections in their respective wards; every person in said city entitled to vote at such elections shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed by law for fraudulent voting.

Powers and duties of officers of election.

7. *And be it enacted*, That said judges of election shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be required by law to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of the state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of said wards, respectively, shall procure election boxes for the use of their wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to provide such boxes, and keep the same in repair.

City clerk to be clerk of city council.

8. *And be it enacted*, That the clerk of said city shall also be the clerk of the city council, and shall meet with the members of the said council, keep a record of their proceedings in a book to be kept for such purpose, shall carefully file and keep safely in his custody, for the use of said council, all papers belonging to such department, and receive therefor the same compensation as is prescribed by law for the discharge of the other duties of township clerks, and be

subject to the like responsibilities for the faithful performance of the above mentioned duties; and the said city council shall appoint, from among their own number, one person, who shall be the treasurer of said city, and enter into bonds, in proper form, in such amount and with such sureties as the said council shall deem sufficient to secure the city against loss; and the said treasurer shall receive and disburse, upon the order of the city council, or a majority of them, all moneys belonging to said city; *provided however*, that in no case shall the public money be drawn from the treasury, except it be first usefully and specifically appropriated by the said council to some public object requiring the outlay; *and provided also*, that the drawing the same shall, in all cases, be based upon full and detailed statements in writing, to be placed on file by the treasurer; and the said city council, or a major part of them, shall also appoint, and at will remove, one or more special constables for the collection of arrears of taxes, and such other subordinate officers of said city, not herein mentioned, as they shall think necessary for the better governing of said city, or for the greater safety and convenience of the inhabitants thereof.

9. *And be it enacted*, That the city council shall, as soon as practicable after their organization, appoint one special police justice, who shall hold his office for one year; one such justice, who shall hold his office for two years; and one such justice, who shall hold his office for three years; and annually thereafter one such justice, who shall hold his office for three years; and the said justices shall be commissioned in like manner as justices of the peace in and for the several counties of this state are commissioned, and be in like manner amenable for the performance of the duties of their offices, as herein enjoined upon them; *provided*, that the said justices shall not, by virtue of their said offices, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under the by-laws and ordinances of the said city, in which cases they may severally act as justices of the peace in their civil capacity; and every such special justice shall be entitled to use and exercise the like power, authority, and jurisdiction, in all criminal matters, as the justices appointed in and for the several counties of this state are or may be entitled to use and exercise; and any two of the said special justices shall be authorized and empowered to hear, try, and determine all such matters and complaints of a criminal nature, as any two justices of the peace are or may be by law authorized and empowered to hear, try, and determine;

and every such special police justice may, in all matters or causes pending before him, award and issue writs of subpoena ad testificandum into any county of this state; and that the president of the council of the said city be, and is hereby invested with all the powers which any police magistrate of said city may be invested with; and that the said president of the council have the power, on witnessing any breach of the peace, forthwith to commit the offender or offenders, without the issuing of any warrant or process; and that the said president of the council shall have the control of the special constables and watchmen of the said city; and the power to call upon the citizens for aid in all cases of riot or disturbance in said city.

Vacancies,
how suppli-
ed.

10. *And be it enacted*, That in case of the death, resignation, inability, disqualification, refusal to serve, or removal out of the bounds of the said city, of any of the officers mentioned in the third section of this act, it shall be the duty of the city clerk, in case such vacancy shall take place in a city office, or of the clerk of the ward, in case said vacancy shall take place in a ward office, to give at least one week's notice of a special election to fill such vacancy; and the person declared elected at such special election shall serve till the next annual election, subject to the like duties and responsibilities, and entitled to the same benefits and emoluments, as if elected at such annual election.

Duties and
powers of
city council.

11. *And be it enacted*, That it shall and may be lawful for the city council, or a major part of them, in council assembled, to pass all such ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the streets, alleys, sidewalks and highways in the said city; for ascertaining the boundaries of all public streets and alleys in the said city, and for preventing and removing all obstructions or encroachments in or upon the same; for regulating the speed of riding and driving in said streets, and for preventing persons from riding or driving over the sidewalks; for levelling, grading, curbing, paving, flagging, or graveling the streets, alleys, and sidewalks of the said city; for lighting the several streets, upon application of a majority of the residents of such streets, and to assess upon the property fronting on the streets so lighted, such sums as may be necessary to defray the expenses of the same; for preventing or regulating the running at large of cattle, horses, dogs, and swine, and for abating or removing any nuisance in said city, and for causing drains to be made in any part thereof; for preventing or restraining riots, routs, disturbances, or disorderly assemblages in any street, house, or place in said city; for supplying the said city with water,

for the extinguishment of fires and for other purposes; for preventing the carrying on of manufactures dangerous in causing or promoting fires; for regulating the keeping and transportation of gunpowder or other combustible and dangerous materials; for regulating the weighing or measuring of coal, grain, or other articles; and it shall be the duty of the said council, through their president; to enrol, for gratuitous service, a body of well disposed citizens, sufficient in number to protect property in danger of being consumed by fire, while undergoing and after removal from buildings; and the said council, or a major part of them, in council convened, shall have power to appoint watchmen, when special circumstances shall require it, and prescribe their powers, duties, and compensation; for establishing and regulating public pounds; for restraining vagrants, mendicants, and street beggars; for regulating the general police of said city, and for erecting a town hall and market within the said city, whenever such erections shall be called for and decided on by a majority of the inhabitants thereof entitled to vote, and voting at an election ordered by the president and council for such purpose; for suppressing and restraining disorderly and gaming houses, and from time to time to pass such other necessary by-laws and ordinances for the more effectual suppression of vice and immorality, and for the peace and good order of the said city, as they may deem expedient, not repugnant to the laws or constitution of this state or of the United States, and to enforce the observance of all such laws and ordinances, by enacting penalties for the violation thereof, either by imprisonment, not exceeding fifteen days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, in the corporate name of said city, before any police justice thereof; *and further*, it shall be lawful for any police justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county of Passaic; and upon the trial of any issue, or upon the judicial investigation of any fact in such action, to which the president and council of the city of Paterson are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant of the said city.

12. *And be it enacted*, That the president and council of said city, or a majority of them, in council convened, shall have the sole and exclusive right and power of licensing and assessing every inn keeper and tavern keeper within said city, subject to the same provisions, and in like

Licenses to
inn keepers.

manner as the same is or may be lawfully done by the courts of common pleas in this state; and shall have the sole and exclusive right and power, 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 president and council may pass ordinances prohibiting, regulating, and licensing the exhibition of any interludes, farces, or plays of any kind, or any games, tricks, juggling, sleight of hand, or feats of uncommon dexterity, or feats of body, 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 clerk of the city, who shall pay the same to the treasurer, for the use of the city.

Duties and powers of police magistrates.

13. *And be it enacted*, That each and every of the police magistrates of said city be, and they are hereby empowered, on oath or affirmation, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, in the corporate name of said city, either in the nature of a summons or a warrant, as to the said magistrate may seem most advisable, against the person or persons so violating such ordinance; which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than three, nor more than ten days from the service thereof; that such process shall state what ordinance the defendant or defendants, named therein, has or have violated, and the manner of such violation; and that, on return of such process, or at the time to which the magistrate shall have adjourned the same, the said magistrate shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the magistrate shall, if judgment of guilty be rendered, forthwith issue execution against the goods and chattels and person of the defendant or defendants.

Work house to be erected or leased.

14. *And be it enacted*, That it shall be lawful for said council to lease, or cause to be erected, conjointly with any other township or townships in the county of Passaic, or alone, if such joint action cannot be secured, a work house or houses, in which to employ profitably all paupers and vagrants; and the said council shall, by the assent of such township or townships, in the case of joint action, or by ordinance, locate, build, and maintain said house or houses, from the proceeds of the labor so organized, and from such other sums as may be required and raised by tax for their erec-

tion and maintenance; and they shall appoint, from time to time, an overseer of such work house, and prescribe his duties and compensation; and the said council shall further appoint and prescribe the compensation of a city physician, who shall furnish medical aid and attendance to all under the charge of said city, and who, in addition to such duties, shall perform the duties of health inspector for said city, to report to and cooperate with said council in causing to be removed from the streets, alleys, yards, and buildings within the limits of said city, all nuisances endangering the health of the neighborhood in which such nuisances may be found to exist, at the expense of the person or persons on whose property the same shall be found.

15. *And be it enacted*, That it shall be the duty of the treasurer of said city, once in each year, to make a full and true account of the moneys raised by tax or loan for the use of the said city since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of said city, fifteen days previous to the day of the next annual election, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of the said account to be published in two of the newspapers printed in said city, at least ten days previous to the day of the next annual election for city officers; and the collectors of said city, before they enter upon the duties of their office, shall severally execute their respective bonds to the president and council of the city of Paterson, in such sums and with such sureties as the said president and council shall approve, conditioned for the faithful execution of the duties of their office.

16. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe, before the clerk of the said city, an oath or affirmation, in the form prescribed for constables of townships in the nineteenth section of the act of the legislature entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," using the word "city," instead of the word "township;" and the said clerk, on receiving the certificate of the election of such constable from the proper ward officers, shall administer the said oath or affirmation, and endorse thereon the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation, and endorsement thereon, in his office; *and further*, every constable of said city, before he enters upon the execution of his office, shall repair to the city council of said city, and enter into bonds to the president and council of the city of

Paterson, with one or more sureties, to be approved of by the said president and council, in such sum as the said president and council shall direct, in the form, as near as may be, prescribed in the first section of the act of the legislature entitled, "An act respecting constables," which bond shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office; and the said president and council are hereby directed and required, if need be, to prosecute the said bond, for and in behalf, and to the use, of all and every person or persons whatever who may have sustained loss by the neglect or misconduct of the said constable; and all suits on such bond shall be prosecuted and conducted in the manner directed in the third section of the last mentioned act, for prosecuting and conducting suits on constables' bonds.

President
and council
may levy tax

Proviso.

17. *And be it enacted*, That it shall be lawful for the president and council of said city to order the raising, and cause to be raised by tax, from year to year, such sums of money as they shall deem expedient for defraying the expenses of said city, and of all the objects and purposes authorized by this act, to be assessed by the assessors, and collected by the collectors of said city, in the manner in which the taxes of the county of Passaic are assessed and collected; *provided however*, that so much of the said taxes as shall be raised for supporting a night watch therein, and supplying the said city with water for the extinguishment of fires, be assessed only on property located within the district or districts of the said city, so watched or provided with water by ordinance of said council, which taxes, when collected, shall be paid to the treasurer of said city, and be subject to the order of the said council; and it shall be lawful for the said council, in the name and for the use of the said president and council of the city of Paterson, to fund the present public debt of the township of Paterson, but not to increase the same by loan, except by a vote of the people at the annual election, and to secure the payment thereof, with interest, by bond, or other instrument, under their common seal, and to provide by tax for the payment thereof; and the said city shall be entitled to its just quota of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quotas of the townships of this state now are or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of said city, and be applied, under the direction of the school committee, to the support of public schools, with such other sum or sums as shall be appropriated by the people of said city for such object.

18. *And be it enacted*, That it shall be lawful for the city council of the said city, or the major part of them, in council convened, to make and establish ordinances and regulations for the levelling, grading, curbing, paving, flagging, or gravelling sidewalks in any street or streets of said city, by the owners or occupants of lots fronting on or adjoining such street or streets, to appoint a discreet and skilful person, to be called the superintendent of streets, to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations, by enacting penalties for non-compliance therewith, to be sued for and recovered, with cost of suit, in an action of debt, in the corporate name of said city, before any of the police justices thereof, or any other court having cognizance of the same; *provided*, that no street or sidewalk which has been graded and paved, or either, under the direction of the township committee, or agreeable to the grade by them established, shall be changed, unless at the expense of the said city; and all losses or damages which may be sustained by the owners of houses, and their appendages, by changes of such grade, shall be paid by the city.

Ordinances
for grading
and paving
streets, &c.

Proviso.

19. *And be it enacted*, That if any lot, in front whereof the sidewalks shall, by such ordinance or regulation, be directed to be levelled, graded, curbed, paved, flagged, or gravelled, shall have no dwelling house erected thereon, and the owner thereof shall neglect to comply with such ordinance or regulation within three months from its passage or adoption and notice thereof, if resident within this state, it shall be lawful for the said city council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed, and certified by three impartial assessors, to be appointed by the said city council; and if such assessment be approved of by the city council, they shall cause an advertisement to be inserted in two or more of the public newspapers published in said city, for one month, stating the amount of such assessment, and requiring the owner of such lot to pay the same to the treasurer of said city, appointing a day and place when and where such lot will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment, with the costs and charges thereof, and of the said advertisement, it shall be lawful

Proceedings
in case owners
of lots
neglect to
pave, &c.

Proviso.

for the said city council to cause such lot to be sold at public auction for a term of years, at the time, and for the purposes, and in the manner expressed in the said advertisement; *provided*, such sale may be adjourned from time to time, not exceeding in the whole two months, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming under him or them, until his term therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot at the expiration of the term in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance or regulation; *provided always*, that if, after defraying the actual expense of levelling, grading, curbing, paving, flagging, or gravelling the sidewalk in front of any lot so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of the said city, the same shall forthwith be paid to the owner or owners of such lot, or his or their legal representatives; and if the owner or owners, mortgagee or mortgagees, of said lot shall, within one year after such sale, pay to the said purchaser, his executors, administrators, or assigns, the amount of money so by him paid to the city, with the amount paid for any fences erected, constructed, or made thereon, with twelve per cent. interest, then the said owner or owners, mortgagee or mortgagees, as the case may be, shall be entitled to reënter and repossess the said lot, in the same manner, to all intents, as if such sale had not been made.

Proviso.

Amount of assessment to be lien on property.

20. *And be it enacted*, That the amount of the estimate or assessment to be made, as aforesaid, on any lot in said city, shall be and remain a lien thereon, from the time of the completion and return of such assessment, in manner aforesaid, until paid or otherwise satisfied; and it shall be lawful for the president and city council of the city of Paterson, instead of the remedy herein above provided, if they shall see fit, in case the owner or occupant of any lot, or any house and lot within the said city shall neglect to comply with such ordinance or regulation in respect to the sidewalk in front thereof, to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said city, and to sue for and recover the amount so paid

from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court of this state having cognizance thereof, in an action on the case for so much money by them paid, laid out, and expended to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff; and if the tenant of any house, or house and lot within the said city, shall cause the sidewalks in front thereof to be levelled, graded, curbed, paved, flagged, or gravelled, in obedience to such ordinance or regulation, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representative, with interest and costs, in an action on the case, in any court of this state having cognizance thereof, for so much money by him paid, laid out, and expended, to and for his or their use; *provided*, that nothing in this act shall affect any contract or agreement made, or to be made, between landlord and tenant respecting such charges or expenses.

21. *And be it enacted*, That the said city council shall or may, whenever they deem it expedient, cause surveys to be made, and the same to be filed in the clerk's office of the county of Passaic, and recorded in the book of records of roads and highways for said county, of all such roads, streets, alleys, and public passage ways as they shall think proper, which heretofore have been, or at any time hereafter may be, opened by the owner or owners of any land over which the same may run, and which have been, or hereafter may be, by such owner or owners, dedicated to the public, by permitting the public to use the same, and by selling or leasing lots fronting thereon, for the purpose of erecting dwelling houses or other buildings along the same; and all such streets, roads, alleys, and ways, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained, and treated as such in all respects; and that it shall be lawful for the city council, upon the application of a majority of the owners of property fronting on any street, or section of a street, in said city, proposed to be graded, paved, or planked, to direct the same to be done, and the expense thereof, certified and sworn to by the superintendent of streets, and filed in the office of the city treasurer, shall fix and determine the amount of such expenses; and to provide for the payment thereof, the city council shall cause a just and equitable assessment thereof to be made among the owners of property

Surveys of
roads, streets
&c., to be
made and
recorded.

fronting on such street, in proportion, as nearly as may be, to the advantages each shall be deemed to derive from such improvement; and for this purpose the city council shall appoint three impartial assessors, in the same manner, who shall have the same qualifications, and proceed as is herein before provided respecting sidewalks in said city; and said expenses shall be and remain a lien on the lots upon which the same shall have been assessed until the same shall be paid; and it shall be lawful for the city council to enforce the payment thereof in the same manner in which by this act payment of the expenses of paving sidewalks in said city may be enforced; and any lot which may be sold to pay such assessment, may be redeemed in the manner provided for in the nineteenth section of this act.

Streets to be kept in repair by city.

22. *And be it enacted*, That after the grading, gravelling, curbing, paving, and flagging of any streets or alleys is once effected, then the city shall take charge of the same, and shall keep them in repair without further assessments.

Records of ordinances to be evidence.

23. *And be it enacted*, That in all the actions to be brought under and by virtue of this act, the book of records of the ordinances and by-laws of the said city council shall be received as evidence of the due passage, by the said city council, of all ordinances and by-laws recorded therein.

Former acts repealed.

24. *And be it enacted*, That all acts in relation to the township of Paterson, inconsistent with the provisions of this act, are hereby repealed; but the repeal shall not affect any proceedings, had or commenced under the same, when this act takes effect, nor any rights or dues to which the said township, or any person or persons, may be entitled by virtue thereof.

Election for adoption or rejection of charter.

25. *And be it enacted*, That the preceding sections of this act shall not go into effect, unless the assent of a majority of the electors of the township of Paterson, who shall vote thereon, shall be first obtained; and for that purpose a poll shall be opened in Paterson, on the twenty-seventh day of March, eighteen hundred and fifty-one, 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 said township, and at the place in said township where the last election was held, of which time and place the township clerk of Paterson shall give at least one week's previous notice in both the newspapers printed and published in Paterson; and the electors entitled to vote for town officers at the time of said election, who may vote, shall express their assent to or refusal of this act, by depositing their ballots in a box provided for the purpose in said township; and the electors who are

in favor of this act, shall each deposit a ballot containing the word "Charter," written or printed thereon, and the electors who are opposed, shall each deposit a ballot with the words "No charter," written or printed thereon; and a canvass and return of the votes shall be made by the said judges to the township committee of Paterson, within three days after such election, and published in the newspapers above mentioned; and if a majority of the electors who shall vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect; but if a majority of the voters at such election shall not be found in favor of this act, then it shall be lawful for the township committee of the township of Paterson to submit this act to the voters of said township, at a special town meeting, to be called for that purpose, for their assent or refusal, whenever they may deem proper; *provided*, that not more than one town meeting for such purpose shall be called in any one year; and whenever, at any such township meeting, a majority of the persons voting thereat, shall be found in favor of this act, the same shall go into operation, and take effect on the second Monday in April next ensuing such election; and that this section shall take effect immediately.

When act to
take effect.

Approved March 19, 1851.

AN ACT to prevent swine from running at large in the village of Boonton, in the county of Morris, and in the village of Vincentown, in the county of Burlington, and in the village of Allentown, in the county of Monmouth.

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 circuit of one mile from the first Presbyterian church in the village of Boonton, in the county of Morris, and within three-quarters of a mile of the Friends meeting house in the village of Vincentown, in the county of Burlington, and within a mile of the Temperance hotel, in the village of Allentown, in the county of Monmouth, to drive or convey to any public pound, which may be in the townships aforesaid, respectively, any swine found running at large in the public streets, highways, or otherwise, within the bounds aforesaid, and impound the

Swine running at large may be impounded.

same; and the keeper or keepers of the public pounds in said townships, respectively, is or are hereby required and authorized to receive such swine; and the party (or the poundkeeper, if the duty is performed by him,) shall have twenty-five cents per head for impounding each swine; and the keeper shall also have twenty-five cents for letting in and out of the pound, for each and every one, and for feeding and attending, five cents per head for every twenty-four hours they shall continue in said pound; and if the owner or owners of said swine, so impounded, shall not pay the charges of impounding and keeping, within four days after such swine shall be impounded, and take the same away, it shall then be the duty of the poundkeeper to set up advertisements in three of the most public places in said villages, respectively, 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 said swine 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 swine, and twenty-five cents for advertising sale, and collecting the money, for each swine, and return the overplus to the owner or owners of the swine, 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 overseers of the poor of the township wherein such swine were found running at large as aforesaid.

Fees for impounding.

When act to take effect.

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

Approved March 19, 1851.

AN ACT to incorporate the Gas Light Company of the city of New Brunswick.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Stout, Ezekiel M. Patterson, Peter Spader, David Bishop, Benjamin D. Stelle, Moses F. Webb, 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 Gas Light Company of the city of New Brunswick;" and, by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of resin, coal, or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situated in New Brunswick, and to enter into and execute contracts, agreements, or covenants in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not 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.

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

3. *And be it enacted*, That John W. Stout, Ezekiel M. Patterson, and Moses F. Webb are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars; to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time, in the city of New Brunswick, 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 New Brunswick, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open

two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share, so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of subscription shall, by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred 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 expedient, until the whole amount of said shares so subscribed shall have been fully paid; *provided*, that no such instalment shall exceed ten per centum upon each share, and that no instalment shall be required within thirty days of each other; *and provided further*, that, for five days after the opening of the subscription books, no person shall subscribe for a larger number of shares than one hundred, nor shall any one subscribe who is not a resident of the city of New Brunswick; that after the expiration of the said five days, and for five days succeeding, any person may subscribe for any number of shares, he being a resident of this state; and no person residing out of this state shall subscribe, either in person or by attorney, until after the expiration of ten days from the opening of said books.

Proviso.

Proviso.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Middlesex county; and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after thirty 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, in the city of New Brunswick, as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until

the second Monday of June, eighteen hundred and fifty-two; and the said directors and president shall hold their offices from the second Monday in June, in each 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 public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in the city of New Brunswick; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

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

6. *And be it enacted*, That three directors of said corporation shall be a quorum, and competent to transact all the business of said corporation. Quorum.

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. Stock transferable.

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 other 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 fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same. Penalty for injuring works.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of the Books of account to be kept.

company, which books shall be at all times open for the inspection of the stockholders.

Limitation.

10. *And be it enacted*, That this act shall continue in 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.

Public act.

11. *And be it enacted*, That this act shall be deemed and taken to be a public act in all courts and places whatsoever, and shall go into effect immediately.

Approved March 19, 1851.

AN ACT to incorporate the Lambertville and Flemington Plank Road Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Wakefield, John Lambert, Samuel D. Stryker, Samuel Lilly, Thomas Chattle, George R. Holcombe, George A. Kohl, John H. Anderson, Jonathan M. Higgins, Solomon Holcombe, Elisha E. Holcombe, Andrew Larason, Augustus Hunt, Elijah Wilson, John S. Williamson, John R. Young, Jacob S. Williamson, William P. Emery, Asa Jones, Isaac G. Farlee, 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 Lambertville and Flemington 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 fifty thousand dollars, with the privilege of increasing the same to seventy-five 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 open
books of sub-
scription.

3. *And be it enacted*, That James D. Stryker, Lewis J. Titus, John Lambert, Andrew Larason, Solomon Hol-

combe, and William P. Emery, 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 subscriptions, at such times and places in the county of Hunterdon as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places in one of the newspapers published in Lambertville, 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, three dollars on each share subscribed shall be paid to the said commissioners; 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 ten hundred shares of the said stock subscribed, and three thousand 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; *provided*, every candidate for directorship shall own four or more shares of said stock. Election of directors.

5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body a president, who shall be a resident of this state, and such other officers, with such salaries as they may deem proper; and a majority of the said board 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 President

Instalments,
how paid.

three dollars on each share, by giving thirty days' notice of such required instalments in one or more newspapers circulating generally in the neighborhood where such stockholders reside; 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; and the said board of directors shall and may require from the treasurer such security as to them shall seem just; *provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to the constitution or laws of this state or of the United States, or this charter.

Proviso.

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 subscription to said capital stock, first deducting therefrom all their liabilities, as said commissioners, for books, printing, or other expenditures, and the sum of one dollar 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; and such directors, so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen, and artificers; and shall and may have power, at all times, to remove their officers and other persons appointed, and to appoint others in their stead, if the interest of the company shall require it; and also have power to fill all vacancies in the offices of said corporation, which may or shall happen by death, resignation, or otherwise.

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 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.

Road authorized to be constructed.

8. *And be it enacted*, That the said 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 eighteen feet in width, with a grade not exceeding ten degrees with the plane of the horizon, with one or more branches, to commence in the town of Lambertville, and passing in the most eligible route to Flemington, in the township of Raritan; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or other persons 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 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 the lands through which the said road may 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 land 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.

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 commissioners, citizens of this state, to assess the price or value of such land and all damages 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

Proceedings in case owners and company cannot agree.

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 land lies, 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 land lies, 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 the 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 costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate so appraised as aforesaid.

Proceedings
in case of
disability of
owners.

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 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 the said court, for the use of the said owner or owners; all which proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, above provided for; and the said

justice shall and may direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

11. *And be it enacted*, That the said corporation shall take and use so much of the highway or highways lying between the commencement and terminus of the said proposed route, which may be deemed indispensable by the said board of directors, for the proper location of the said plank road; *provided*, there first be obtained a majority of votes approving the same, at the annual town meeting in the several townships in which the said highways may lie.

Public highways to be taken.
Proviso.

12. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, and demand and receive toll for each mile of the said road, when they shall have completed three miles of the same, and said tolls shall not exceed the following rates, to wit:

Rates of toll.

For every carriage, sleigh, or sled, drawn by one beast, three cents.

For every additional beast, two cents.

For every horse and rider, or led horse or mule, two cents.

For every dozen of calves, sheep, or hogs, and so in proportion for a greater or less number, six cents.

For every dozen of horses, mules, or cattle, and so in proportion for a greater or less number, twenty-four cents.

And it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriages 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.

13. *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 Lambertville; 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, and also a board, on which shall be painted in large letters, "Keep to the right, as the law directs."

Mile stones or posts to be erected.

14. *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

Penalty for injuring works.

of this act, or shall take or carry more than two and a half tons, on any carriage of burthen on the said road, or any part thereof, at any one time, 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
illegal tolls,
&c.

15. *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
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 over the same, and will sue for the same, to be recovered by an action of debt, with costs of suit.

Time of com-
mencement
and comple-
tion of road.

17. *And be it enacted*, That if the said plank road 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.

Public act.

18. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times, in all events and places whatever, be recognized as such, and shall be and continue in full force for the term of thirty years.

Powers, re-
strictions,
and liabili-
ties.

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

Approved March 19, 1851.

AN ACT to defray incidental expenses.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons, herein after named, the following sums, viz : Certain incidental charges authorized to be paid.

1. To Upton & Miller, for stoves and repairs to the state house, ninety-four dollars and eighty-eight cents.

2. To Philip P. Dunn, for door mats, baskets, and brooms, four dollars and twenty-five cents.

3. To B. W. Titus, for carpets, &c., one hundred and forty dollars and eighty-seven cents.

4. To Daniel Childs, for making new desk and repairs, six dollars and fifty cents.

5. To William A. Gulick, for expenses entertaining the committee on the house of refuge, eighty-two dollars.

6. To Sherman & Harron, for printing, four dollars.

7. To W. W. Norcross, for candles, ordered by Thomas H. Jobs, fifty-one dollars and three cents.

8. To W. W. Norcross, for candles, &c., ordered by Samuel B. Scattergood, sergeant-at-arms of the Senate, one hundred and ten dollars and fifty-six cents.

9. To Runyan Toms, for carriage hire for the committees to the state prison and the lunatic asylum, twenty-one dollars.

10. To Charles D. Hine, for publishing the governor's proclamations, twelve dollars.

11. To Abraham Tappan, sheriff of the county of Morris, for services and expenses in executing the requisition of the governor, twenty-five dollars.

12. To William Cows, for removing fugitive from justice from Philadelphia to Mount Holly, upon the warrant of the governor, seventeen dollars and fifty cents.

13. To Charles Parker, X. J. Maynard, and Joseph G. Brearley, commissioners for appraising stock at the state prison, seventy-two dollars.

14. To Daniel Hurley, for storing away fifty tons of coal, twelve dollars and fifty cents.

15. To Benjamin S. Disbrow, for tables and fixtures in the governor's room and secretary of state's office, twenty-three dollars and seventy-five cents.

16. To Thomas Lavender, one of the commissioners to erect the house of refuge, eighteen dollars and thirty-one cents.

17. To B. F. Yard, for advertising reward and thanksgiving, six dollars and fifty cents.

18. To Messrs. Mairs, Hamilton, and McChesney, for advertising commissioners' sale, one week, one dollar and seventy-five cents.

19. To Fish & Green, for lumber, thirty-seven dollars and sixty-eight cents.

20. To Elijah K. Smith, for matches, turpentine, &c., fifty-four cents.

21. To Benjamin S. Disbrow and Israel Fish, for making inventory, and appraising property at lunatic asylum, thirty dollars.

22. To George H. Tindall, for making boxes, book case, and repairs to the state house, forty-eight dollars.

23. To A. R. Titus, for oil cloth, three dollars and eighty-seven and a half cents.

24. To Joseph G. Brearley, for stationery, ordered by J. Rodgers, secretary of the Senate, ninety-one dollars.

25. To William Grant, Samuel S. Stryker, and Charles Parker, commissioners appointed to make an inventory and valuation of the property at the state prison, thirty-six dollars.

26. To Amos Hogeland, for forty-five pounds of candles, ordered by James A. Canfield, per bill, thirteen dollars and fifty cents.

27. To Joseph G. Brearley, for stoves, pipe, and sundries, furnished as per bill, eighty-one dollars and sixty-four cents.

28. To Brearley & Lanning, for sundries ordered by Daniel Baker, keeper of the state arsenal, as per bill, six dollars and seven cents.

29. To Brearley & Lanning, for stationery, furnished as per bill, one hundred and eighty-six dollars and fifty cents.

30. To Isaac W. Mickle, for services as private secretary for the governor during the present session of the legislature, seventy-five dollars.

31. To Jay, Wells & Beatty, for printing, four hundred and ninety-six dollars and fifty-six cents.

32. To Phillips & Boswell, for printing, two hundred and fourteen dollars and twenty-five cents.

33. To Phillips & Boswell, for printing school report, two hundred and seventy-two dollars and thirty cents.

34. To Phillips & Boswell, for printing blanks, thirty-two dollars.

35. To Phillips & Boswell, for printing blanks, ten dollars.

36. To Phillips & Boswell, for printing blanks, forty dollars.

37. To Phillips & Boswell, for printing resolutions, blanks, &c., eighty-five dollars.

38. To S. Van Sickell, for taking up and relaying carpets, cleaning floors, &c., per order of Samuel Mairs, treasurer, thirty-three dollars and fifty cents.

39. To Charles Scott, for blank books, stationery, &c., ordered by P. J. Gray, secretary of Senate, forty-one dollars and twenty-five cents.

40. To John Rodgers, secretary of Senate, for patent leather book satchel, two dollars and fifty cents.

41. To Charles Scott, for stationery furnished for Senate, as per bill, one hundred and forty-seven dollars and nine cents.

42. To Charles Scott, for stationery and binding, as per bill, ordered by Samuel Mairs, treasurer, one hundred and twenty-seven dollars and eighty-four cents.

43. To Charles Scott, for stationery, &c., ordered by Thomas S. Allison, secretary of state, seventy-six dollars and sixty-two cents.

44. To Charles Scott, for stationery for the use of the executive department, forty-six dollars and thirty-nine cents.

45. To Charles Scott, for stationery for the use of the supreme court and office, forty-two dollars.

46. To Charles Scott, for stationery for the use of the library, four dollars and twenty cents.

47. To Charles Scott, for stationery ordered by Charles G. McChesney, seventy-five dollars and ninety-six cents.

48. To Charles Scott, for stationery ordered by Samuel R. Gummere, forty-three dollars and seventy-two cents.

49. To Charles Scott, for stationery ordered by J. Vanarsdale, fifty-seven dollars and sixty-six cents.

50. To Charles Scott, for stationery furnished for the use of the House of Assembly, fifty-six dollars and nineteen cents.

51. To William Pearson, for repairs done to assembly room, four dollars and thirty-seven and a half cents.

52. To sergeant-at-arms of the Senate, and doorkeeper of the House of Assembly, for extra services during joint meeting, and other services rendered during the present session of the legislature, ten dollars and fifty cents.

53. To Brearley & Lanning, for stationery ordered by S. B. Scattergood for the use of the Senate, eleven dollars and thirty-two cents.

54. To William Pearson, for locks, keys, and repairs to the senate chamber, ordered by S. B. Scattergood, eight dollars and sixty-seven and a half cents.

55. To Samuel B. Scattergood, for towels, ordered by Samuel Mairs, treasurer, and cleaning the hall, and load of sand, &c., six dollars and twelve and a half cents.

56. To Samuel R. Hamilton, quartermaster general, for portorage, postage, powder, &c., as per account rendered, fifty-one dollars and eighty-four cents.

57. To Jonathan S. Fish, for three tons of coal for arsenal, fifteen dollars.

58. To George P. Hammill, for carting guns to the arsenal, three dollars and fifty cents.

59. To Jonathan S. Fish, for freight on twenty-seven boxes of muskets and rifles, six dollars and seventy-five cents.

60. To John Lanning, for carting muskets to the arsenal, fifty cents.

61. To Samuel Lake, for carting muskets and rifles to the arsenal, two dollars and seventy-five cents.

62. To William Johnson, for taking down a chimney at the state arsenal, and removing rubbish, ten dollars.

63. 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-one, fifteen dollars.

64. To William DeHart, for cartage, cleaning library room, freight, postage, sawing and splitting wood, making fires, &c., twenty-one dollars and seventy-five cents.

65. To E. Evans, for candles ordered by the doorkeeper, thirteen dollars and thirty-four cents.

66. To George Ellis, for stationery for the use of the supreme court, per James Wilson, clerk, twenty-six dollars and eighteen cents.

67. To George Ellis, for stationery ordered by A. Cumming, per bill, fifteen dollars.

68. To George Ellis, for stationery for the use of the chancery office, per bill, sixteen dollars and thirteen cents.

69. To George Ellis, for stationery for the use of the library, per bill, five dollars and thirty cents.

70. To George Ellis, for stationery ordered by I. W. Mickel, engrossing clerk, thirteen dollars and sixty-six cents.

71. To George Ellis, for stationery ordered by John Rodgers, for the use of the Senate, twenty dollars and eighty-eight cents.

72. To George Ellis, for stationery ordered by John J. Halsted, engrossing clerk of the Senate, thirty-six dollars and eighteen cents,

73. To George Ellis, for stationery ordered by Samuel Mairs, treasurer, ten dollars and six cents.

74. To George Ellis, for stationery ordered by Thomas S. Allison, secretary of state, two dollars.

75. To George Ellis, for stationery ordered by J. Vanarsdale, clerk in chancery, one dollar and sixty-five cents.

76. To A. M. Cumming, for stationery, one hundred and forty-four dollars and twenty-nine cents.

77. To B. N. Reed, for stationery for the use of the Senate, five hundred and fifty-one dollars and eighty-eight cents.

78. To B. N. Reed, for stationery for use of the House of Assembly, six hundred and thirty-nine dollars and seventy cents.

79. To B. N. Reed, for stationery for the use of the chancery office, seventy-three dollars and thirteen cents.

80. To B. N. Reed, for stationery ordered by Samuel Mairs, treasurer, twenty-two dollars and sixty-three cents.

81. To B. N. Reed, for stationery furnished for the use of the governor and secretary of state, eighty-five dollars and fifty-five cents.

82. To B. N. Reed, for stationery furnished R. M. Smith, treasurer, sixty-one dollars and thirty-two cents.

83. To Morris R. Hamilton, for advertising, printing pamphlets, bills, &c., for Senate and Assembly, two thousand and thirty-two dollars and forty-four cents.

84. To David Clark, for stationery ordered by committee, five hundred and sixty-six dollars and twenty-seven cents.

85. To Evan Evans & Son, for candles ordered by sergeant-at-arms, one hundred and eighty-four dollars and ninety-two cents.

86. To Joseph McPherson, for satchel for clerk, two dollars.

87. To Messrs. Mairs, Hamilton and McChesney, for grading state house yard and selling property, one hundred and fifty dollars.

88. To C. W. Jay, for printing three thousand copies of tax and school laws, ninety-eight dollars and fifty cents.

89. To Richard Snedeker, to making fires for legislature, sixty-seven dollars.

90. To each member of the legislature, twenty dollars for incidental expenses, in addition to their per diem allowance.

Approved March 19, 1851.

JOINT RESOLUTIONS.

To encourage the publication, by Archer Gifford, esquire, of an Alphabetical and Chronological Index of the Pamphlet Laws of this State, from the Revolution to the present period, with the constructive decisions of the Supreme Court, together with a synopsis of the new Constitution of the State.

WHEREAS Archer Gifford, esquire, proposes to publish an Alphabetical and Chronological Index of the Pamphlet Laws of New Jersey, from the Revolution to the present period, with the constructive decisions of the Supreme Court, together with a synopsis of the new Constitution of the State, and constructive decisions thereon, the work to consist of six hundred pages, or thereabouts, octavo, to be executed in the best manner, and to be well and substantially bound, and to deliver to the secretary of this state, or other person deputed by the legislature to receive them, five hundred copies, at four dollars per copy; and whereas it appears to the legislature that said work will be of great service to the citizens of this state, and especially to all the public officers of the state charged with the administration of justice, or the execution of the laws, in any way, and the publication thereof worthy of encouragement—therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state be authorized to subscribe for five hundred copies of "An Alphabetical and Chronological Index of the Pamphlet Laws of New Jersey, from the Revolution to the present period, with the constructive decisions of the Supreme Court, together with a synopsis of the new Constitution and constructive decisions thereon," proposed to be published as aforesaid, at the price of four dollars per copy;

Secretary of state to subscribe for 500 copies.

and that he furnish the clerks, surrogates, and boards of chosen freeholders of the respective counties, and the clerks of the respective townships of this state, and the present members of the legislature, with a copy of the same; *provided*, that the work shall correspond with the aforesaid prospectus.

Proviso.

Treasurer
authorized
to pay for
copies.

2. *And be it resolved*, That the treasurer of this state pay to the said Archer Gifford, esquire, the price of said copies, upon the certificate of the secretary of state, that the same have been duly delivered to him, executed and bound as aforesaid.

Approved February 6, 1851.

Authorizing the treasurer to borrow money.

Treasurer
authorized
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.

Approved March 18, 1851.

Providing for lighting the state house with gas.

Gas fixtures
to be pro-
cured and
put up.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer and secretary of state of this state be, and are hereby authorized, during the ensuing recess of the legislature, to cause the necessary fixtures and apparatus to be provided and put up in the

senate and assembly chambers, the hall between the same, and the rotunda of the capitol, in order that the same may be suitably lighted with gas.

2. *And be it resolved*, That the necessary expenses of carrying into effect these joint resolutions, be paid by the treasurer, out of any money in the treasury not otherwise appropriated, upon the accounts thereof being first audited and certified by the secretary of state. Accounts to be audited.

Approved March 19, 1851.



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POPULATION

OF THE

SEVERAL COUNTIES AND TOWNSHIPS

IN THE

STATE OF NEW JERSEY,

ACCORDING TO THE CENSUS OF 1850.

ORDERED TO BE PRINTED WITH THE LAWS.

TRENTON:

PRINTED BY PHILLIPS & BOSWELL.

—
1851.



POPULATION, ETC.

ATLANTIC COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Weymouth, - - -	1,032	1,158
Great Egg Harbor, - - -	2,688	2,739
Galloway, - - - -	2,268	2,208
Hamilton, - - - -	2,058	1,565
Mullica, - - - -	918	1,056
Total, - - -	8,964	8,726

BERGEN COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Lodi, - - - -	1,113	687
Hackensack, - - - -	3,486	2,631
New Barbadoes, - - - -	2,258	2,120
Harrington, - - - -	1,195	1,128
Franklin, - - - -	1,741	4,012
Saddle River, - - - -	840	839
Washington, - - - -	1,804	1,833
Hohokus, - - - -	2,271	
Total, - - -	14,708	13,250

BURLINGTON COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Chesterfield, - - -	4,514	3,439
Mansfield, - - -	2,953	2,401
Burlington, - - -	5,399	3,434
Springfield, - - -	1,827	1,634
New Hanover, - - -	2,245	3,045
Northampton, - - -	3,031	6,812
Willingborough, - - -	1,596	900
Chester, - - -	3,598	2,603
Washington, - - -	2,008	1,630
Little Egg Harbor, - - -	2,020	1,878
Evesham, - - -	3,069	5,060
Southampton, - - -	3,545	
Pemberton, - - -	2,867	
Medford, - - -	3,025	
Westampton, - - -	1,507	
Total, - - -	43,204	32,836

CAPE MAY COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Dennis, - - -	1,604	1,350
Upper, - - -	1,341	1,217
Middle, - - -	1,884	1,624
Lower, - - -	1,603	1,133
Total, - - -	6,432	5,324

CAMDEN COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
South Ward, } - - -	4,242	} 3,366
North " } Camden, - - -	2,520	
Middle " } - - -	2,856	
Newton, - - - -	2,421	1,864
Waterford, - - - -	1,639	3,467
Gloucester, - - - -	2,378	2,847
Union, - - - -	3,284	1,075
Delaware, - - - -	2,578	
Washington, - - - -	2,111	1,545
Winslow, - - - -	1,540	
Total, - - - -	25,569	14,164

CUMBERLAND COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Stoe Creek, - - - -	1,093	846
Greenwich, - - - -	1,160	918
Hopewell, - - - -	1,480	2,209
Deerfield, - - - -	927	2,621
Fairfield, - - - -	2,144	1,935
Millville, - - - -	2,332	1,771
Downe, - - - -	2,341	1,920
Maurice River, - - - -	2,246	2,143
Bridgeton, - - - -	2,246	
Cohansey, - - - -	1,034	
Total, - - - -	17,003	14,363

ESSEX COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Caldwell, - - - -	2,375	2,183
Livingston, - - - -	1,151	1,081
Bloomfield, - - - -	3,385	2,528
Orange, - - - -	4,387	3,269
North Ward, } - - - -	9,180	
South " } - - - -	9,958	
East " } Newark, - - - -	6,172	17,303
West " } - - - -	8,986	
Fifth " } - - - -	4,597	
Elizabeth, - - - -	5,583	4,184
Springfield, - - - -	1,990	1,651
Clinton, - - - -	2,507	1,974
Westfield, - - - -	1,576	3,146
New Providence, - - - -	1,217	833
Union, - - - -	1,662	1,483
Rahway, - - - -	3,310	2,536
Belleville, - - - -	3,513	2,466
Plainfield, - - - -	2,446	
Total, - - - -	73,995	44,637

GLOUCESTER COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Harrison, - - - -	1,984	
Deptford, - - - -	3,360	2,570
Greenwich, - - - -	3,066	2,958
Woolwich, - - - -	3,259	3,676
Franklin, - - - -	2,984	2,077
Total, - - - -	14,653	11,281

HUNTERDON COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Lambertville, - - - -	1,417	} 3,071
West Amwell, - - - -	1,173	
East Amwell, - - - -	1,330	
Delaware, - - - -	2,553	2,305
Raritan, - - - -	3,066	2,510
Kingwood, - - - -	1,804	2,947
Alexandria, - - - -	3,872	3,420
Bethlehem, - - - -	2,786	2,371
Lebanon, - - - -	2,123	3,848
Franklin, - - - -	1,452	
Readington, - - - -	2,836	2,373
Clinton, - - - -	2,352	
Tewksbury, - - - -	2,300	1,952
Total, - - - -	29,064	24,797

MERCER COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
East Ward, } Trenton, - - - -	3,921	} 4,021
West " } - - - -	2,545	
Ewing, - - - -	1,475	996
Nottingham, - - - -	4,489	5,109
East Windsor, - - - -	2,596	1,989
West Windsor, - - - -	1,596	1,536
Lawrence, - - - -	1,837	1,156
Princeton, - - - -	3,029	3,055
Hamilton, - - - -	2,807	
Hopewell, - - - -	3,696	3,213
Total, - - - -	27,991	21,075

MIDDLESEX COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
North Brunswick, - - -	10,020	5,866
South Brunswick, - - -	3,389	2,797
Monroe, - - -	3,004	2,453
South Amboy, - - -	2,268	1,825
Woodbridge, - - -	5,376	4,822
Piscataway, - - -	2,976	2,828
Perth Amboy, - - -	1,638	1,303
Total, - - -	28,671	21,894

MONMOUTH COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Freehold, - - -	2,631	6,299
Upper Freehold, - - -	2,566	5,026
Middletown, - - -	3,245	6,063
Shrewsbury, - - -	3,180	5,914
Howell, - - -	4,058	4,699
Millstone, - - -	1,675	
Atlantic, - - -	1,493	
Marlborough, - - -	1,553	
Manalapan, - - -	1,902	
Raritan, - - -	4,164	
Ocean, - - -	3,767	
Total, - - -	30,234	32,873

MORRIS COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Morris, - - - -	4,997	4,006
Chatham, - - - -	2,436	2,138
Hanover, - - - -	3,608	3,908
Pequannock, - - - -	4,118	5,227
Randolph, - - - -	2,672	1,792
Jefferson, - - - -	1,358	1,410
Roxbury, - - - -	2,269	2,230
Washington, - - - -	2,502	2,451
Chester, - - - -	1,344	1,321
Mendham, - - - -	1,726	1,378
Rockaway, - - - -	3,143	
Total, - - - -	30,173	25,861

OCEAN COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Jackson, - - - -	1,334	
Plumstead, - - - -	1,615	
Stafford, - - - -	1,384	2,141
Union, - - - -	1,759	
Dover, - - - -	2,393	2,731
Brick, - - - -	1,558	
Total, - - - -	10,043	

P A S S A I C C O U N T Y .

T O W N S H I P S .	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Acquackanonk, - - -	2,941	2,473
Paterson, - - -	11,341	7,598
Manchester, - - -	2,787	3,105
Pompton, - - -	1,720	1,437
West Milford, - - -	2,624	2,108
Wayne, - - -	1,164	
Total, - - -	22,577	16,721

S A L E M C O U N T Y .

T O W N S H I P S .	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Salem, - - -	3,052	2,006
Elsinborough, - - -	655	526
Mannington, - - -	2,187	2,064
Lower Alloways Creek, - - -	1,413	1,252
Lower Penns Neck, - - -	1,429	1,219
Upper Penns Neck, - - -	2,422	1,864
Upper Alloways Creek, - - -	2,572	2,237
Pilesgrove, - - -	2,962	2,477
Pittsgrove, - - -	1,151	2,390
Upper Pittsgrove, - - -	1,657	
Total, - - -	19,500	16,035

SOMERSET COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Bridgewater, - - -	4,070	3,986
Bernards, - - -	2,263	2,059
Franklin, - - -	3,062	3,878
Bedminster, - - -	1,819	1,589
Hillsborough, - - -	3,405	2,857
Montgomery, - - -	1,763	1,481
Warren, - - -	2,148	1,601
Branchburgh, - - -	1,138	
Total, - - -	19,668	17,451

SUSSEX COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Montague, - - -	1,008	1,025
Sandiston, - - -	1,327	1,209
Walpack, - - -	783	728
Frankford, - - -	1,941	2,410
Newton, - - -	3,276	3,857
Vernon, - - -	2,619	2,395
Hardiston, - - -	1,344	2,831
Green, - - -	823	777
Stillwater, - - -	1,749	1,476
Byram, - - -	1,339	1,153
Sparta, - - -	1,921	
Lafayette, - - -	928	
Wantage, - - -	3,932	3,908
Total, - - -	22,990	21,769

HUDSON COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Jersey City, - - -	6,856	3,033
Harrison, - - -	1,344	1,173
Bergen, - - -	2,801	5,230
Van Vorst, - - -	4,619	
North Bergen, - - -	3,576	
Hoboken, - - -	2,678	
Total, - - -	21,874	9,436

WARREN COUNTY.

TOWNSHIPS.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Greenwich, - - -	3,749	2,902
Mansfield, - - -	1,615	3,057
Independence, - - -	2,622	2,140
Hardwick, - - -	727	1,957
Oxford, - - -	1,719	2,855
Knowlton, - - -	1,356	2,310
Frelinghuysen, - - -	1,275	
Pahaquarry, - - -	460	292
Hope, - - -	1,756	1,903
Franklin, - - -	1,573	1,348
Harmony, - - -	1,564	1,602
Blairstown, - - -	1,405	
Belvidere, - - -	1,002	
Washington, - - -	1,567	
Total, - - -	22,390	20,366

POPULATION
OF THE
SEVERAL COUNTIES.

COUNTIES.	1850.	1840.
	No. of Inhabitants.	No. of Inhabitants.
Atlantic, - - - -	8,964	8,726
Bergen, - - - -	14,708	13,250
Burlington, - - - -	43,204	32,836
Camden, - - - -	25,569	14,164
Cape May, - - - -	6,432	5,324
Cumberland, - - - -	17,003	14,363
Essex, - - - -	73,995	44,637
Gloucester, - - - -	14,653	11,281
Hudson, - - - -	21,874	9,436
Hunterdon, - - - -	29,064	24,797
Mercer, - - - -	27,991	21,075
Middlesex, - - - -	28,671	21,894
Monmouth, - - - -	30,234	32,873
Morris, - - - -	30,173	25,861
Ocean, - - - -	10,043	
Passaic, - - - -	22,577	16,721
Salem, - - - -	19,500	16,035
Somerset, - - - -	19,668	17,451
Sussex, - - - -	22,990	21,769
Warren, - - - -	22,390	20,366
Total, - - - -	489,703	372,859

