ACTS

33021

OF THE

NINETY-FIFTH LEGISLATURE,

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-SEVENTH UNDER THE NEW CONSTITUTION.



MORRISTOWN, N. J.:
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1871

New Jersey State Library

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HENRY C. KELSEY,

Secretary of State.

GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY

The Ninety-Fifth Legislature.

CHAPTER VI.

A Further Supplement to the act entitled "An act to simplify the pleadings and practice in courts of law," approved March seventeenth, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That executions against goods and chattels, or against goods and chattels, lands, tenements and hereditaments, hereafter to be issued out of any court of law, on any judgment therein, may be made returnable and returned, either in term or in vacation, and for the purpose of such return said courts shall be always open, except on Sunday, and upon such return being made in vacation, the like proceedings may follow and be had thereon, as if the same were made at a regular term of any such courts.

Executions may be returned in term or vacation.

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

EDWARD BETTLE,
President of the Senate.

ALBERT P. CONDIT,
Speaker of the House of Assembly.

Approved January 31, 1871.

THEODORE F. RANDOLPH,
Governor.

CHAPTER VIII.

A Further Supplement to the act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action hereafter brought in any court of law of this State, upon any instrument of writing, under seal, it shall be lawful for the defendant, in such action, to plead and set up as a defence therein, fraud in the consideration of the contract upon which recovery is sought, as fully and to all intents and purposes, as if such instrument of writing were not under seal.

Fraud may be set up.

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

Approved January 31, 1871.

CHAPTER IX.

A Supplement to the act entitled "An act for the partition and sale of real estate where some of the owners are unknown," approved March twenty-fifth, one thousand eight hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where real estate is held by coparceners, joint tenants, or tenants in common, any of whom shall be presumed to be dead pursuant to the provisions of the act entitled "An act declaring when the death of persons absenting themselves shall be presumed," passed the seventh day of March, one thousand seven hundred and ninety-seven, and it shall not be known whether such owner is living or not, or whether, if dead, he or she has devised his or her interest in such real estate, or who are his or her

heirs-at-law, the other coparceners, joint tenants, or tenants in common, or any one of them, may commence a suit by bill for partition in the court of chancery, in the same manner as if all the owners of such real estate were known, making parties thereto as well such owner so presumed to be dead, by his right name, as his heirs-at-law and devisees, by the right name of such of them (if any there be) as shall be known to be his or her heirs-at-law if such owner were actually dead, and by the name of the unknown heirs-at-law and devisees of such owner, by the service of a subpœna to answer, as in other suits in the said court, or by a publication according to the law and practice of said court in case of absent defendants, and by such further publication as is provided for and required in the first section of the act to which this is a supplement, and thereupon such proceedings shall be had as are directed by the act to which this is a supplement; and the chancellor shall have the power to make such decree against the said owner so presumed to be dead, and against his heirs-at-law, known or unknown, and his unknown devisees, as if they were known to the court and their respective interests in such real estate determined; and shall also have all such power and authority in respect to the cases provided for by this act, as is granted to him by the act to which this is a supplement in respect to the cases therein provided for; and any deed or deeds for such real estate, made pursuant to the decree and order of the chancellor in any such cases, shall convey all the right, title and estate of all the owners of such real estate, ascertained and unascertained, as completely and effectually as if all the owners were by name made parties to said bill, and as such brought before the court.

May commence suit for partition.

Forms to be observed.

Decree may be made.

Interest in real estate may be conveyed.

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

Approved January 31, 1871.

CHAPTER X.

Supplement to an act entitled "An act to reorganize the courts of law," approved February ninth, one thousand eight hundred and fifty-five.

Terms of holding courts in fourth judicial district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the fourth day of July next, the several regular terms of the respective courts, in and for the several counties of Ocean, Middlesex and Monmouth, in the fourth judicial district, shall be held at the times following, and not otherwise—that is to say: Ocean, on the first Tuesday of April, September and December, respectively; Middlesex, on the third Tuesday of April, September and December, respectively; Monmouth, on the first Tuesday of May and October, and the second Tuesday of January, respectively.

2. *And be it enacted*, That all proceedings in the said several courts shall commence and be continued in conformity to the terms and times hereby established.

Approved January 31, 1871.

CHAPTER XI.

A Further Supplement to the act entitled "An act respecting the estates of non-resident wards," approved March second, one thousand eight hundred and forty-seven.

Act extended to residents of foreign countries.

Proviso,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions now in force of the act to which this is a further supplement, and of the supplement to that act, be and they are hereby extended to all cases where guardians and their wards are residents of foreign countries; *provided*, that in such cases the authentication of the proceedings appointing the guardians, and the

giving bond of the guardian, shall be by attestation under the seal of the court wherein, or officer before whom such proceedings are had (if such court or officer shall have a seal); and if the proceedings shall have been had in or before a court, the attestation shall be under the hand of the register or clerk thereof, and be accompanied by a certificate of the judge, magistrate or presiding officer of the court, that the attestation is in due form. Attestation, how made.

2. *And be it enacted*, That the said act to which this is a further supplement, and the said supplement thereto, and this act, shall extend to the recovery, receipt and collection by the guardian of all moneys due or coming to the ward to which the ward may be entitled for damages for land of the ward taken under or by virtue of any charter or municipal or legislative authority; and such moneys and damages may be recovered by such guardian by petition to the orphans' court of the county wherein the same may be deposited under the provisions of such charter, or by such municipal or legislative authority, or to the chancellor. Damages may be recovered, how.

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

Approved January 31, 1871.

CHAPTER XXII.

A Further Supplement to the act entitled "An act relative to oaths and affidavits," passed February fourteenth, one thousand eight hundred and thirty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the President of the Senate, the Speaker of the General Assembly of the State of New Jersey, and the chairman of a committee of the whole, or of any select or standing committee of either house of the Legislature, be and they are respectively empowered to administer oaths and affirmations to witnesses, in any matter or case under their examination. Who may administer.

2. *And be it enacted*, That if any person shall wilfully and corruptly swear or affirm falsely, touching any matter or thing material to the point in question, whereto he or she

Penalty.

shall be thus examined, such person shall be deemed guilty of perjury and punished accordingly.

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

Approved February 7, 1871.

CHAPTER XXXVIII.

An Act to repeal an act relating to State Tax on Dogs, approved March seventeenth, anno domini one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act relating to State Tax on Dogs," approved March seventeenth, anno domini one thousand eight hundred and seventy, be and the same is hereby repealed.

Repealer.

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

Approved February 14, 1871.

CHAPTER XL.

A Further Supplement to the act entitled "An act concerning witnesses," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter upon the trial of any indictment, allegation, or accusation of any person charged with crime, the person indicted or accused shall be admitted to testify as a witness upon such trial, if he shall offer himself as a witness therein in his own behalf.

Person indicted may testify in his own behalf.

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

Approved February 15, 1871.

CHAPTER XLI.

A Further Supplement to an act entitled "An act respecting Apprentices and Servants."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the binding by indenture mentioned in the first section of the act to which this is a further supplement, shall not be lawful, without the consent of the mother, if living, to such indenture, signified by her signing and sealing the same. Mother must consent to indenture.

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

Approved February 15, 1871.

CHAPTER XLVI.

A Further Supplement to the act entitled "An act concerning promissory notes, inland bills of exchange, and notaries public," approved April sixteenth, 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 proviso contained in the fourth section of the act entitled "An act concerning promissory notes, inland bills of exchange, and notaries public," approved April sixteenth, one thousand eight hundred and forty-six, be and the same is hereby repealed; *provided*, that this act shall not be construed to affect any right that may have accrued, or any suit or proceeding that may have been instituted before the passage hereof. Repealer. Proviso.

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

Approved February 15, 1871.

CHAPTER XLVII.

Supplement to an act entitled "An act respecting the Orphans' Court, and the power and authority of Surrogates," approved April sixteenth, 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 surrogates of the several counties of this State for the time being, shall be and they are hereby authorized to sign all entries of records and all papers on file in their respective offices, either as surrogate or clerk of the orphans' court, as occasion may require, that have heretofore been or that may hereafter be legally required to be entered of record or placed on file in their said offices, respectively; and such signatures being of the date of the signing thereof, so signed by the said surrogate or clerk now in office, or that may hereafter be in office, though not in office at the time when the signatures to the entries of record and filing of the papers should have been made, shall be as good and effectual in law as if the same had been signed by the surrogate or clerk of said orphans' court in each county, at the time the said entries of record and papers filed should have been signed.

Surrogates may sign papers.

2. *And be it enacted*, That all accounts of executors, administrators, guardians and trustees, and all partitions, requests, renunciations and releases required by law to be made by parties legally appointed or entitled by law to act as executors, administrators, guardians and trustees, that have heretofore been made and rendered, (if desired by the party in interest) or that shall hereafter be made and rendered, shall forthwith be recorded by the surrogate of any county in this State in which said accounts shall be filed, in suitable books to be procured by him for such purposes, for which he shall be entitled to receive twelve cents per folio; and the record thereof, or a duly certified copy of the same, shall be received as evidence in all courts of record in this state.

Papers to be recorded.

Fees.

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

Approved February 21, 1871.

CHAPTER XLVIII.

A Further Supplement to an act entitled "An act concerning Divorces."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of chancery may, on application of either party, in a suit for divorce, make such order concerning the care and custody of the minor children of the parties, during the pendency of the suit, as shall be deemed expedient and for the benefit of the children. Court may control custody of minor children.

2. *And be it enacted*, That upon a decree of nullity or divorce, the court may make such further decree or order as may be deemed expedient concerning the care, custody and maintenance of the minor children of the parties, and determine with which of the parents the children, or any of them, shall remain; and may also, from time to time, afterwards, on the petition of either of the parents, revise and alter such decree or order, and make a new decree or order as the circumstances of the parents, and the benefit of the children shall require. May make decree as to maintenance of minor children.

3. *And be it enacted*, That after a divorce decreed in any other State or country, if minor children of the marriage are inhabitants of this State, the court of chancery, on the petition of either parent, or of a next friend in behalf of the children, such notice being given to both parents as the court shall direct, may make such decree concerning their care, custody, education and maintenance as if the divorce had been obtained in this State. In case divorce had in another State.

4. *And be it enacted*, That when the court of chancery has jurisdiction over the custody and maintenance of the minor children of parents divorced, separated or living separate, and such children are natives of this State, or have resided five years within its limits, they shall not be removed out of its jurisdiction against their own consent, if of suitable age to signify the same, nor while under that age without the consent of both parents, unless the court, upon cause shown, shall otherwise order; the court, upon application of any person in behalf of such minors, may require such secu- Children shall not be removed.

rity and issue such writs and processes as shall be deemed proper to effect the purposes of this and the preceding sections.

Parents living separately.

5. *And be it enacted*, That when the parents of minor children live separately, the court of chancery, upon petition of either parent, shall have the same power to make decrees or orders concerning their care, custody, education and maintenance as concerning children whose parents are divorced.

Rights of parents to be equal.

6. *And be it enacted*, That in making an order or decree relative to the custody of the children pending a controversy between their parents, or in regard to their final possession, the rights of both parents, in the absence of misconduct, shall be held to be equal, and the happiness and welfare of the children shall determine the custody or possession.

Court to order.

7. *And be it enacted*, That the said court may make the necessary orders and decrees, from time to time, in relation to such custody or possession.

Custody of children not to revert.

8. *And be it enacted*, That in case of the death of the parent to whom the care and custody of the minor children shall be awarded by the court of chancery, on account of the misconduct or incapacity of the other parent, or when the parents are living separately, in case of the death of the parent in whose custody the children actually are, no award as to the custody of such children having been made, the care and custody of such minor children shall not revert to the surviving parent without a decree of said court to that effect; and the said court shall have the right, upon petition of a next friend on behalf of the children, to appoint such friend or other suitable person, guardian of such minor children, and shall have the right to remove such guardian, and to appoint a new guardian or guardians, and to make such orders from time to time, as the circumstances of the case and the benefit of the children shall require.

New guardian may be appointed.

Repealer.

9. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed; and this act shall take effect immediately.

Approved February 21, 1871.

CHAPTER XLIX.

An Act relative to the Public Printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the Legislature, the journals of the Senate, and minutes of the joint meetings and executive sessions; the minutes of the House of Assembly and legislative documents, shall be printed hereafter in accordance with the style in which the work was done in the year one thousand eight hundred and seventy, at the following prices, to wit: for printing three thousand copies of session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the Senate, with the minutes of the joint meetings, and one thousand copies of the minutes of the House of Assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for press-work; for printing one hundred and fifty copies of the public bills, ordered by either branch of the Legislature, at the rate of six dollars per sheet of four foolscap pages, on good writing paper, with pica type, each page to contain thirty-one lines; for printing the pamphlets and other papers ordered by the Legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press-work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rate above stated; and where matter requires two justifications, without rules, a price and a half shall be paid; *and provided further*, that one dollar extra shall be paid per page for all indices and tables of contents set in bourgeois type in the session laws, journals of Senate and minutes of House of Assembly.

Printing, how executed.

Documents to be printed and compensation therefor.

Proviso.

Proviso.

2. *And be it enacted*, That the above prices shall include

Work to be completed, How done.

all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality, white calendered printing paper for the documents, in octavo form, weighing not less than forty-four pounds to the ream of four hundred and eighty sheets, twenty-four by thirty-eight inches in size; paper for the laws to weigh fifty pounds to the ream of four hundred and eighty sheets; the bills to be on good flat-cap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in January; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing has been executed.

Paper. Price of.

Legislative documents.

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

Officers to furnish copy.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the General Assembly and the secretary of the Senate to deliver copies completed of the journals of their respective houses to the persons appointed to print the same, within thirty days after the close of the session of the Legislature; and in the event

of the clerk of the General Assembly and secretary of the Senate failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the State, one hundred dollars of their salary. Penalty of failure.

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

6. *And be it enacted*, That the journal of the Senate and minutes of the House of Assembly shall hereafter be printed in the same compact form and style, as the journal of the Senate for the year one thousand eight hundred and seventy, and the comptroller shall audit no bills for printing not executed in accordance with this law. Journal of the Senate and minutes of the House.

7. *And be it enacted*, That Murphy & Bechtel, of Trenton, be employed to print the bills, pamphlets, and such other matters as may be ordered by the Senate and House of Assembly. Current printer.

8. *And be it enacted*, That Sinnickson Chew, of Camden county, be employed to print one thousand copies of the minutes of the House of Assembly for the current year. Minutes of the House.

9. *And be it enacted*, That Daniel Porter, of Somerset county, be employed to print one thousand copies of the journal of the Senate, minutes of the joint meeting and executive sessions for the current year. Senate journal.

10. *And be it enacted*, That Z. K. Pangborn, of Hudson county, be employed to print one thousand copies of the legislative documents of the current year. Legislative documents.

11. *And be it enacted*, That Vance & Stiles, of Morris county, be employed to print three thousand copies of the laws enacted at the present session of the Legislature, the public laws being collated and printed in the front part of the volume, which copies shall be delivered to the state treasurer within two months after the said Vance & Stiles shall have received the copy thereof, and on failure thereof the said Vance & Stiles shall forfeit the sum of five hundred Laws. How arranged. When to be delivered. Penalty

dollars, which sum the said treasurer is authorized to withhold and deduct from the said amount due them for printing said copies.

Secretary of State to furnish copy.

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

Repealer.

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

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

Approved February 21, 1871.

CHAPTER LVIII.

An Act to regulate party walls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever excavations hereafter commenced, for building or other purposes, on any lot or piece of land, shall be intended to be carried to the depth of more than eight feet below the curb or grade of the street, and there shall be any party or other wall, wholly or partly on adjoining land, and standing upon or near the boundary lines of such lot, the person causing such excavations to be made, if afforded the necessary license to enter on the adjoining land, and not otherwise, shall at all times, from the commencement until the completion of such excavations, at his own expense, preserve such wall from injury, and so support the same by a proper foundation that it shall remain as stable as before such excavations were commenced.

Party excavating shall preserve wall from injury.

Repealer.

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

Approved February 22, 1871.

CHAPTER LXXXIII.

An Act to protect the property of Ice Dealers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all persons having ice houses upon the waters of this State, to gather the ice in front of their lands, to the middle of the several streams, ponds and lakes upon which they are located. Ice, where may gath r.

2. *And be it enacted*, That during the time the several ice dealers are gathering their ice crops, it shall not be lawful for any person to interfere with the same, except for the purposes of navigation. Shall not be interfered with.

3. *And be it enacted*, That the provisions of this act shall not extend to the owners of mill ponds, nor shall it extend to parties having the mere right of way upon the shores of the several water courses of this state. Exceptions.

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

Approved February 28, 1871.

CHAPTER XCIX.

A Supplement to the act entitled "An act relative to oaths and affidavits," passed February fourteenth, one thousand eight hundred and thirty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any oath required or authorized to be taken in any suit or legal proceeding in this state, or for any lawful purpose whatever, except official oaths, and depositions required to be taken upon notice when taken out of this State, may be taken before any notary public of the state, territory, nation, kingdom or country, in which the Oaths and affidavits, before whom may be taken.

same shall be taken, or before any officer who may be authorized by the laws of this state to take the acknowledgment of deeds in such state, territory, nation, kingdom or country, and a recital that he is such notary or officer in the jurat or certificate of such oath, and his official designation annexed to his signature, and attested under his official seal, shall be sufficient proof that the person before whom the same is taken is such notary or officer; *provided*, that when any other certificate is required by law to be annexed to the certificate of such officer other than a notary public for the recording of a deed acknowledged before him, a like certificate shall be annexed to his certificate of the taking of such oath.

Proviso.

False oath, penalty for uttering

2. *And be it enacted*, That if any such oath or any material part thereof shall be untrue, any person who shall use or offer the same for any purpose whatever, knowing the same to be untrue, shall be guilty of a high misdemeanor, and shall upon conviction thereof suffer the same punishment as if convicted of subornation of perjury, and shall be subject to the same disabilities, and this act shall take effect immediately.

Approved March 1, 1871.

CHAPTER C.

A Further Supplement to "An act for the relief of creditors against absconding and absent debtors."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any defendant or defendants in any suit commenced by attachment, to enter his, her or their appearance to the suit of the plaintiff or plaintiffs therein, or of any creditor or creditors under said attachment, without giving bond for the return of the personal property attached by virtue thereof, which appearance shall be entered in the clerk's book, and notice thereof given to such plaintiff or plaintiffs, creditor or creditors, or his, her or their attorney or attorneys within twenty days thereafter; and after such appearance and notice, the suit or suits of such plaintiff or plaintiffs, creditor or creditors, shall pro-

May enter appearance.

Notice to be given.

ceed in all respects as if commenced by summons, and no other or further claim shall be put in under such attachment after the entry of such appearance.

2. *And be it enacted*, That in any case of an appearance by virtue of the foregoing section, the lien of the attachment shall continue, and proceedings by scire facias may be had against any garnishee, and the movable property attached shall remain in the custody of the sheriff or his bailee, and be subject to the order and control of the court or the judge thereof, and the court or judge may, if occasion require, order the property sold as perishable, and appoint auditors with like powers in all respects as if no appearance had been entered, but a judge of the court may discharge the lien of such attachment as to all or any part of the personal property attached, upon four days' notice to all parties interested, and upon the defendant or defendants giving bond, with securities, as mentioned in the act to which this is a supplement, in such amount and with such condition as the said judge may direct.

Property, how disposed of.

Judge may discharge lien.

3. *And be it enacted*, That this act shall not affect any pending suit, and take effect immediately.

Approved March 1, 1871.

CHAPTER CI.

A Further Supplement to the act entitled "An act concerning Wills."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the appointment of a testamentary guardian as mentioned in section nine of the act to which this is a further supplement, shall not be lawful unless the mother, if living, consent to such appointment, which consent shall be in writing, and signed and acknowledged by the mother in the presence of two witnesses, present at the time, who shall subscribe their names thereto as witnesses in the presence of the mother, and such consent shall be proved to have been so given and acknowledged at

Mother must consent to appointment of guardians.

the time the will appointing the testamentary guardian shall be admitted to probate.

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

Approved March 1, 1871.

CHAPTER CXVII.

A Supplement to "An act to describe, apprehend and punish disorderly persons."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall enter the buildings or go upon the lands belonging to any public school district of this State or used and occupied for school purposes by any public school in this State, and shall break, injure or deface such building or any part thereof, or the fences or outhouses belonging to or connected with such building or lands, or shall disturb the exercises of such public school, or molest or give annoyance to the children attending such school, or any teacher therein, shall be deemed and adjudged to be a disorderly person.

Persons injuring school property or disturbing schools, adjudged disorderly.

2. *And be it enacted*, That any disorderly person of the description aforesaid, may be apprehended in the manner described in the third section of the act to which this a supplement, and taken before any justice of the peace of the county where such person may be apprehended; and it shall be the duty of the said justice to commit such disorderly person, when convicted before him by the confession of the offender, or by the oath or affirmation of one or more witness or witnesses, to the county jail of such county, there to be kept at hard labor for any term not exceeding thirty days.

Penalty.

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

Approved March 7, 1871.

CHAPTER CXXIX.

A Supplement to the act, entitled "An act in respect to Insurance for Lives, for the benefit of Married Women," approved February nineteenth, one thousand eight hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act to which this is a supplement, as provides that the exemption therein referred to "shall not apply where the amount of premium annually paid shall exceed one hundred dollars," be, and the same is hereby repealed. Provision, how applied.

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

Approved March 8, 1871.

CHAPTER CXXXII.

An Act to provide for the drainage of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of the geological survey, on the application of at least five owners of separate lots of land included in any tract of land in this State, which is subject to overflow from freshets, or which is usually in a low, marshy, boggy or wet condition, shall be and hereby are authorized and empowered to examine such tract, and if they shall deem it for the interest of the public and of the land owners to be affected thereby, they are further authorized from time to time to make surveys of any such tract or tracts of land, and to decide upon and adopt a system of drainage for draining the same, and to cause maps of the same, together with the plans of drainage by Managers of geological survey, powers and duties.

them adopted to be made; and for this purpose they shall be authorized to call in the assistance of the State geologist and such other persons as they may deem expedient, and when they shall have completed their said surveys, maps and plans, they shall make a written or printed report of the same to the supreme court of this State; and thereupon it shall be the duty of the said court at the same or next stated term thereof, or as soon as can conveniently be done upon reasonable notice given to that effect and published in a newspaper circulating in the county where such tract of low lands is situate, to appoint three commissioners (not interested in the lands to be drained) to superintend and carry out the drainage of any particular tract or tracts aforesaid, whose duty it shall be to carry out and execute the system of drainage which may thus have been adopted and reported by the said board of managers in reference to said particular tract or tracts; *provided*, that if, at the time fixed for such appointment of commissioners, it shall appear to the court by the written remonstrance of the owners of a majority of the said low and wet lands, duly authenticated by affidavit, that they are opposed to the drainage thereof at the common expense, then the said court shall not appoint such commissioners as is directed in this section.

Report to Supreme Court.

To give notice in newspapers. Commissioners to be appointed.

Proviso.

Commissioners, oath of.

2. *And be it enacted*, That the said commissioners, before entering upon their duties, shall take an oath before the chancellor or a justice of the supreme court, faithfully to perform the duties of their office, and shall cause the same to be filed in the clerk's office of the supreme court, and shall thereupon have full power to cause the said tract of land, for the drainage of which they shall have been appointed commissioners, to be drained in accordance with the general plan of the said board of managers; and for that purpose the said commissioners and all contractors or other persons employed by them or under their authority, shall have power to enter upon any lands for the purpose of executing the requisite work or procuring materials therefor; and after the completion of said work, the expense thereof and of all materials used therefor, including the compensation of said commissioners (estimated at the rate of five dollars per day for every day actually employed) and also the expenses of the said board of managers, shall be made up by said commissioners and returned to the said supreme court in a report to be made by them, together with a

Powers of.

Compensation.

Reports of.

general outline, description or delineation of the lands and territory which, in their judgment, ought to contribute to the said expense; notice of which report shall be given in some newspaper or newspapers circulating in the vicinity of said lands for the space of four weeks, at least once in each week, in order that any persons interested may examine said report, and, if they see fit, file objections to the same; if any such objections, duly verified on oath, be filed within said period of four weeks, the supreme court shall determine upon the same in a summary manner, and with as little delay as possible, and shall thereupon, without further notice, make a rule or order directing the said commissioners to distribute and assess the amount of said expense and interest upon the lands contained within the territory reported by them, originally or as corrected by the supreme court, in proportion, as near as they can judge to the benefit derived from said drainage by the several parcels of land to be assessed, and in making said assessment the several parcels of land assessed may be designated by the name of the owner or the occupier, or in such other manner as may be most convenient in each case, and the assessment may be made either upon each separate parcel in gross, or at a rate per acre, and the assessment made upon each parcel of land, with lawful interest thereon, shall be a lien upon the said parcel of land without regard to whom the owner or owners of said land may be; and when the said assessment shall be completed, the same shall be deposited in some convenient place for inspection by the parties interested; and notice of the completion of said assessment, and of the place where the same shall be so deposited, shall be given in at least two newspapers circulating in the vicinity of said lands, and published at least once a week for six weeks, which notice shall designate a time and place when and where the said commissioners will meet to hear objections to said assessment; and the commissioners having heard and decided upon such objections as shall be made to them, they shall proceed to complete their assessment and shall file the same in the clerk's office of the supreme court, and a copy thereof, or of so much of the same as shall be made on lands in any one county shall be filed in the clerk's office of said county, and notice of the filing thereof shall be given in at least two newspapers, circulating as before mentioned, once a week for at least four weeks, after which, if no objections

Notice to be given.

Objections may be filed.

Assessments to be made.

Assessments to be a lien.

Notice of assessments to be given.

To be filed in Supreme Court, clerk's office.

To be confirmed by Supreme Court.

Objections, how made and heard

Proceedings in case assessment is reversed.

Further objections.

be made to said assessment, the same shall be confirmed and made absolute by the supreme court; if objections to said assessment be filed in the said period of four weeks, the supreme court shall hear and determine said objections in a summary manner and with as little delay as possible; but they shall not reverse said assessment, or any part thereof, except for some error in law, or in the principles of assessment made or committed by said commissioners; if for any such cause the said assessment or any part thereof shall be reversed, it shall be again referred to the said commissioners to be corrected in accordance with the decision of the court in that behalf, and when corrected and filed as before, four weeks' notice as aforesaid shall be given thereof, after which, if no further objections be made, the said assessment, as corrected, shall be confirmed; but if any further objections be made, the same shall from time to time be considered and determined as before, until the court shall finally confirm the assessment as duly modified and corrected; and when said assessment shall be finally confirmed, the said commissioners shall give public notice in two newspapers circulating as aforesaid, once in each week for four weeks, requiring the several owners or other parties interested in the lands assessed, to pay the assessment thereon at such time and place in the vicinity of said lands as shall be designated by the commissioners, at which time and place the said commissioners, or one of them, or some person or persons by them appointed, shall attend to receive the said assessments.

Agents to be appointed to collect assessments.

3. *And be it enacted*, That if the assessment on any parcel or parcels of land be not paid at or before the time mentioned in the said notice for paying the same, the commissioners are hereby authorized and empowered to employ and authorize an agent or agents to demand and receive the said assessments which may be so unpaid, together with interest thereon, and two per centum commission for collecting the same, which agent or agents shall proceed to demand payment of all persons whose lands shall be assessed, and whose assessments shall be placed in their hands respectively for collection, so far as such persons may be known and may reside in the county in which such lands shall be situate, and not incapacitated to transact business; but if the owner of any such lands shall not be known, or shall not reside in said county, or cannot be found by said agent or agents, or

In case owner is not known or non-resident.

shall be under age, insane, or otherwise incompetent to transact business, or if, on being found, and such demand being made, he or she shall neglect or refuse to pay such assessments, with interest and costs, the said commissioners shall be and they are hereby authorized and empowered to sell said parcel of land for the least number of years that any person will take the same, and pay the assessment thereon with interest thereon, and the costs and expenses of such sale shall be the same as allowed to sheriffs in like cases, which term shall be ascertained by a public bidding and outcry, of which two months' notice shall be given in a newspaper circulating in the vicinity of said land, and when such sale shall be made, the said commissioners, on receiving from the purchaser the amount of the assessment, with interest, costs and expenses of sale, shall give him or her a deed for the land for the period or term for which the same was bid off, and thereupon the said purchaser shall be entitled to immediate possession of said land, and to take the rents, issues and profits thereof, for the period or term aforesaid, and if possession be denied or resisted by any person or persons, the supreme court, on application made thereto, and the fact of such sale being shown by affidavit and a copy of the commissioner's deed, shall make an order directing the sheriff of the county in which said lands lie to put the said purchaser into possession.

Land may be sold.

Immediate possession to be had.

4. *And be it enacted*, That if the system of drainage which may be adopted in any case herein provided for shall require the obstruction or injury of any water course, or the alteration or lowering of any mill dam, or the permanent occupation of any land, whereby the owner or occupier thereof shall be injured, or shall sustain damage to his legal rights, such damage shall be estimated and appraised by the said commissioners, and shall form part of the expenses of such drainage to be raised by assessment as herein directed; *provided*, that any person whose damage may be so assessed shall and may appeal from the award of said commissioners, so far as relates to the amount of said damage, to the then or next circuit court of the county in which such damage shall occur, which court shall cause a jury to be empanneled to try the said appeal without further pleadings and without other notice of trial than the service of a copy of said appeal upon the said commissioners, or one of them, designating the time of trial at least ten days prior thereto, and the

Interference with water course or mill-dam.

Damage, how estimated.

Proviso.

Appeal, how heard.

Copy to be served.

verdict of such jury shall be conclusive as to the amount of said damage, unless set aside for some illegality or misdirection of the court, but such appeal shall not have the effect of delaying or interrupting the proceedings of said commissioners, who shall be authorized to assume the amount of said damage to be so assessed by them until the same shall be varied by such verdict of a jury, and on paying or tendering the amount so assessed by them, the said commissioners, to the party injured, or in case he be a non-resident of this State, or cannot be found or is under any incapacity to receive the same, upon paying said amount so assessed by them into the said supreme court, the said commissioners may take possession of the property in question, and proceed to execute the work necessary to effect said drainage in accordance with the plan adopted as aforesaid; if the verdict of the jury be the same as, or shall be less than the award of the commissioners, the party appealing shall pay the costs of the appeal, otherwise no costs shall be recovered on either side; if the verdict shall be greater than the award of the commissioners, the excess shall be added to the expenses to be assessed for such drainage, at any time before the actual collection thereof, and shall be distributed to the various parcels of land to be assessed therefor in the same proportion as the other expenses shall be assessed upon the same; if such excess be not ascertained until after the general assessment has been made, and the collection thereof commenced, a new assessment of such excess shall be made in the same proportion as the general assessment, and shall be collected in the same manner.

Amount of assessment may be paid into court.

Costs, who to pay.

5. *And be it enacted*, That to enable the said commissioners to raise the necessary moneys to carry on the work of draining said lands, they are hereby authorized to borrow such sums from time to time as may be necessary for that purpose at the legal rate of interest, and to give their bonds as such commissioners therefor, and to pledge for the repayment thereof, the assessment to be made as aforesaid; *provided*, that the said commissioners shall not be personally bound to pay the said bonds or any interest thereon; *and, provided further*, that if the said interest on said bonds (which interest shall not be made payable at shorter intervals than once in every six months) shall not be paid, as the same may become due, it shall bear lawful interest until paid.

May borrow money.

Provisos.

6. *And be it enacted*, That any vacancy happening among he commissioners so to be appointed by the supreme court hall be filled by the said court at the first stated term after uch vacancy may occur, but until such vacancy is filled, the ther two commissioners shall have full power to proceed vith the duties of the commissioners, and in all cases the ction or decision of any two of the commissioners shall e valid and sufficient; and the compensation of the commissioners and also of the board of managers of the geological survey, when engaged on any tract or in reference to he drainage thereof shall be five dollars per day, and the xpenses of said board of managers for their own time and ervices, and for compensation paid to any other persons in examining, surveying and reporting, in reference to any tract of and which they shall report as necessary or proper to be lrained, shall be added by the commissioners to the expenses to be assessed for the drainage of said tract.

Vacancy, how filled.

Compensation.

7. *And be it enacted*, That if at any time after any tract of land has been drained under this act, the ditches or other works of drainage shall require alterations or repairs, the supreme court on the application of any person interested n such drainage may appoint three commissioners to make said repairs, who shall qualify and proceed in the same manner as the original commissioners, and the expense when footed up shall be assessed upon the same lands which were assessed for the expense of the original drainage; and in precisely the same proportion, and the same remedy shall be had for the collection thereof.

Alteration or repairs, how made.

8. *And be it enacted*, That this act shall not extend to any salt marshes or lands flowed by tide water.

Not to extend to salt marshes or tide water lands.

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

Approved March 8, 1871.

CHAPTER CLVI.

A Further Supplement to an act, entitled "An act to Regulate Fees," revision approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the fees of the coroners of the several counties in this State, for the services hereinafter mentioned, shall be as follows: for the view of a dead body and inquiry respecting the cause and manner of death, the sum of three dollars; and for drawing and returning the inquisition, the sum of two dollars.

Coroners, fees of.

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

Repealer.

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

Approved March 14, 1871.

CHAPTER CLVII.

A Further Supplement to an act, entitled "An act for the better regulation of Actions of Replevin," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That writs of replevin may be made returnable in vacation, and the summons thereon shall be served and returned in the manner prescribed for the service and return of a summons by the seventeenth section of the act, entitled "An act to regulate the practice of the

Writs may be returned in vacation.

courts of law," approved April fifteenth, one thousand eight hundred and forty-six.

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

Approved March 14, 1871.

CHAPTER CLXXXI.

A Supplement to an act, entitled "An act respecting conveyances," approved April fifteenth, one thousand eight hundred and forty-six.

Preamble. WHEREAS, many ancient deeds for lands in this State are not, and owing to the death or other disability of the grantors and subscribing witnesses, cannot be acknowledged or proved under existing laws, and those deriving title from or under them may desire for their security to place them upon the records and files of the county in which such lands are situate; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the court of common pleas of each county shall record in well bound books, to be provided for that purpose backed, "Ancient Deeds," separate and apart from the books of deed record authorized or directed by law before the passage of this act, all deeds which shall be delivered to him for that purpose by any person accompanied by an affidavit of such person, that the lands described in said deed, or some part thereof, are situate in the county in which the said deed is to be recorded; that affiant claims title to said lands, or some part thereof, and that affiant verily believes that quiet, continuous, adverse, and undisputed possession of said lands has been enjoyed by virtue of said deed for forty years and upwards; and the clerk or officer recording such deeds shall file the originals with the affidavits accompanying the same in his office, (numbering them according to their dates of filing, from one up, to correspond with similar numbers in the record of the

Books of record to be provided.

Affidavits of claimants to be made.

Same to be filed and numbered.

same) and there carefully keep the same in the same manner as he is now directed by law to keep deeds which shall not have been recorded within ten years after the date thereof, and such record shall be deemed to be notice to subsequent purchasers; but from the time of filing, said originals shall be considered to all intents and purposes in the possession of the person or persons in possession of the premises described therein, or claiming title from or under them.

2. *And be it enacted*, That the several clerks shall be entitled to receive the same fees for recording, filing and indexing such ancient deeds, as they are now entitled to receive for like services under the act to which this is a supplement.

Clerks, compensation of.

Approved March 14, 1871.

CHAPTER CLXXXII.

An act to enable citizens of this State to enforce claims against the estates of non-resident persons deceased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person not resident within this State shall depart, or shall have heretofore departed this life, possessed of personal property or choses in action within, or the evidences of which shall be in the hands of any person resident within this State, and the executors or administrators of such decedent shall neglect or shall have neglected, for the space of sixty days after his death, to make application in this State for letters testamentary or of administration, upon or in respect to such decedent's estate, it shall be lawful for any person alleging himself or herself to have any debt or legal claim against such decedent, which by the laws of this State survives against the personal representatives of parties deceased, to make application to the surrogate of the county wherein said personalty, choses in action or evidences thereof are situate, and on proof to his satisfaction of the matters herein stated, said surrogate shall issue letters of administration

upon the estate of such decedent to some other person to be selected by him, either cum testamento annexo or otherwise, as the circumstances of the case may require, taking bond for the faithful performance of the duties of such administrator as in other cases now required by law. Surrogate shall issue letters of administration.

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

Approved March 14, 1871.

CHAPTER CLXXXIII.

A Further Supplement to the act entitled "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the commissioners appointed under the act to which this is a further supplement, and the several supplements thereto, shall be styled and denominated "commissioners of deeds." Title of office changed.

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

Approved March 14, 1871.

CHAPTER CLXXXIV.

A Supplement to an act entitled "A further supplement to an act entitled 'An act respecting the Orphans' Court and the power and authority of Surrogates,'" approved March seventeenth, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person is now or hereafter shall be imprisoned in any of the jails of this State, by virtue of an order, writ or process, made by or issued out of the orphans' court of the several counties of this State, in pursuance of the provisions of the third section of the act to which this is a supplement, the court making such order, and out of which such writ or process has issued, is hereby authorized to discharge any person so imprisoned as aforesaid at the discretion of said court, a supreme court justice being one of said court, whenever in the judgment of said court the rules of justice require such discharge.

Persons imprisoned may be discharged.

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

Approved March 14, 1871.

CHAPTER CLXXXV.

An act ceding to the United States jurisdiction over a lot of land, situate in the city of Trenton, and for other purposes therein mentioned.

Preamble.

WHEREAS, the United States have recently appropriated money for the erection of a building in the city of Trenton for the accommodation of the post office, the United States circuit and district courts, pension and internal revenue offices; AND WHEREAS, such appropriation was upon the

express condition that a valid title to the land for the site of said building shall be vested in the United States; and that the State of New Jersey should duly relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the United States may remain the owner thereof; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That jurisdiction of the land and its appurtenances that may be purchased in the said city of Trenton, for the erection of the aforesaid building, be, and the same is hereby ceded to the United States of America; *provided*, that all civil and criminal process, issued under the authority of this State, or any officer thereof, may be executed on said land in the same way and manner as if jurisdiction had not been ceded as aforesaid. Jurisdiction ceded. Proviso.

2. *And be it enacted*, That the said land, with its appurtenances and the building, and other property thereon, shall forever hereafter be exempted from all State, county and municipal taxation and assessment, so long as the same shall remain the property of the United States of America. To be exempt from certain taxes.

Approved March 14, 1871.

CHAPTER CLXXXVI.

A Further Supplement to the act entitled "An act to regulate Fees," approved April fifteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

WHEREAS, the fees of the sheriffs of the several counties of this State are not uniform; AND WHEREAS, the said sheriffs have been and now are deprived of a large portion of the fees, revenues and emoluments heretofore pertaining to their said offices, by reason of the operation of an act of Congress, entitled "An act to establish a uniform system of bankruptcy throughout the United States;" therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "A Further Supplement to the act entitled 'An act to regulate Fees,"' approved April fifteenth, one thousand eight hundred and forty-six; approved April seventh, one thousand eight hundred and sixty-eight, be and the same is hereby extended to the several counties of this State.

Supplement extended to all counties.

2. *And be it enacted*, That from and after the passage of this act, the following fees shall be allowed to the sheriffs of the several counties of this state, to wit: twenty-five per centum additional in each case for all services to be by them performed; *provided*, that this section shall only continue in force during such time as the said act entitled "An act to establish a uniform system of bankruptcy throughout the United States," shall remain in effect.

Fees increased twenty-five per centum. Proviso.

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

Repealer.

Approved March 14, 1871.

CHAPTER CXCII.

A Further Supplement to the act, entitled "An act for the punishment of crimes," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall wilfully, unlawfully and maliciously interfere with, obstruct, injure or use any fire alarm telegraph, or fire alarm signal box or station, or apparatus, or wilfully, unlawfully and maliciously make or signal, or cause, or procure to be made or signaled any false alarm of fire, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment at hard labor, not exceeding one year, or by fine, not exceeding five hundred dollars, or both, at the discretion of the court.

Fire alarm telegraph, penalty for disturbing.

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

Approved March 14, 1871.

CHAPTER CXCIII.

A Supplement to an act, entitled "An act to remove obstructions to navigation," approved April third, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the amount to be paid out, under and by virtue of the provisions of the act to which this is a supplement, either by the county or State, for the removal of any one obstruction of the character described in the first section of said act, shall not exceed one thousand dollars. Amount to be paid limited.

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

Approved March 14, 1871.

CHAPTER CCXIX.

A Further Supplement to an act, entitled "An act to authorize the owners of lands on tide-waters to build wharves in front of the same," approved March eighteenth, one thousand eight hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That putting up the notices required by the third, fourth, and sixth sections of the act to which this is a supplement, two weeks before any application to be made under said act, and publishing the same before said application for fourteen consecutive days, exclusive of Notice, how given.

Sundays, in such newspaper or newspapers as may be required by said act, shall be deemed sufficient notice for the purposes of said act, in lieu of the periods for posting and publishing now required by said act.

Approved March 15, 1871.

CHAPTER CCXX.

A Further Supplement to an act entitled "An act to regulate the Fisheries in the River Delaware, and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight.

Shad caught in the Delaware not to be offered for sale within certain periods.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That hereafter no person shall within this State have in his or her possession, or expose to sale, any shad caught in the river Delaware, or any of its tributaries, within the jurisdiction of this State, below the head of Trenton falls, between the eleventh day of June and the tenth day of August, in any year, or above the head of Trenton falls, between the sixteenth day of June and the tenth day of August, in any year, under a penalty of five dollars for each and every shad so had in possession or exposed for sale, to be recovered in an action of debt, with costs of suit, by any person or persons, in his or their name or names, before any justice of the peace in the county where the offence was committed, or where the defendant resides or is found; and in all prosecutions or proceedings under this act, it shall not be necessary to file any state of demand or to comply with the formalities required in penal actions; and in all such actions both parties may be sworn; *provided always, nevertheless*, that nothing in this act, or the act or acts to which this is a supplement contained, shall make it unlawful by order of one or both of the commissioners of fisheries of the State of New Jersey, to take fish in the said river Delaware, or any of its said tributaries, at any time, to be used for the purpose of the natural or artificial propagation of the same.

Penalty for.

Proviso.

2. *And be it enacted*, That if any person or persons shall cast, draw, fasten or otherwise make use of any seine net, fyke net, or net of any other description, of a less mesh than ten inches, or any other appliance except the hook and line, for the purpose of catching fish in the river Delaware, within the jurisdiction of this State, below the head of Trenton falls, between the tenth day of June and the tenth day of August, in any year, or above the Trenton falls between the fifteenth day of June and the tenth day of August, in any year, he, she or they so offending shall forfeit or pay the sum of one hundred dollars, together with costs of suit, for each and every offence. Penalty for fishing with nets at certain seasons.

3. *And be it enacted*, That the governor shall appoint one person in each county adjoining the river Delaware, as special officers, who shall be a resident of said county, to be fish wardens, whose duty it shall be, on view or information, to enforce the fishing laws within their respective counties, by arresting and prosecuting the offender or offenders; and said officers shall be entitled to their pay as witnesses in said cases, although they be complainants, and said officers shall have a right at all times, and they are hereby authorized, to visit any dam, weir, fish basket, brush net, or other apparatus for taking fish, for the purpose of removing the same, as hereinafter provided; the said officers may, in the discharge of their duties, call in the aid of any constable or sheriff, or other peace officer, when deemed necessary: and any such officer neglecting or refusing to aid when thus required, shall forfeit ten dollars, to be recovered by action of debt; the said special officers thus appointed shall hold office for three years, unless sooner removed, and shall be duly sworn before any justice of the peace or judge of the court of common pleas, to the performance of their duties; they shall make an annual report to the commissioners of fisheries, on or about the first day of November in each year; they shall be furnished with such appliances as in the judgment of the commissioners having charge of that department of the river shall be deemed necessary, at the expense of the State, and receive three dollars for each day they are occupied in their special duties; and that said per diem shall be paid by the treasurer of the State, upon an authenticated statement of the commissioners of fisheries; *provided*, that in no case shall any special officer receive more than one hundred dollars for his services in any one year. Fish wardens to be appointed by the Governor. Duties of. Powers of. Term of office of. Report to make. Compensation of. Proviso.

4. *And be it enacted*, That it shall be the duty of sa special officers or fish wardens, so to be appointed, and shall and may be lawful for any other person or persons wl may discover the same, to remove from the river Delawar wheresoever the same may be found, all weirs, racks, fi baskets, fishing dams or pounds, or any seine, brush dam, other device, anchored, staked or fastened for the purpose taking fish in the said river, and all boats, lines, implemen and materials used in violation of this act, shall be forfeite to the State, and all weirs, racks, baskets, dams or pound may be destroyed and rendered incapable of taking fish.

Dams, weirs, rocks, &c., may be removed and shall be forfeited to the State.

5. *And be it enacted*, That one-half of the fines and fo feitures collected shall be for the benefit of the perso prosecuting therefor, and the other half shall be paid to th clerk of the county in which the prosecution shall be had and the said clerks of the several counties of this State sha pay over to the commissioners of fisheries of the State New Jersey, all moneys collected and recovered by them b virtue of this act, who shall pay the same over to the tre surer of the State; and all expenses incurred by said fisher commissioners shall be paid to them by the treasurer of th State, as the same may be audited by the comptroller of th State; and on failure of the person or persons prosecute under this act to pay the fine or fines imposed in pursuanc of this act, then such person or persons shall be committe to the county jail till such payment is made, or until othe wise discharged by due process of law.

Fines, how applied.

Expenses of commissioners to be paid.

6. *And be it enacted*, That the first and second section or so much of the supplement of the aforesaid act, passed o the twenty-sixth day of February, anno domini eightee hundred and fifty-eight, as comes within the purview c this act, be and the same is hereby repealed; but that this ac shall not go into operation until the Legislature of the Stat of Pennsylvania shall approve of the same, by the enactmen of a similar act, in whole or in part; and that from and im mediately after the said Legislature shall so approve of thi act, either in whole or in part, then this act, or such part thereof as may be so approved of, shall go into operation an take effect.

Repealer.

This act, when to go into effect.

7. *And be it enacted*, That the governor of this State i hereby requested to transmit an attested copy of this act t the governor of the State of Pennsylvania, requesting hin to submit it to the Legislature of that State.

Copy to be sent to Governor of Pennsylvania.

Approved March 15, 1871.

CHAPTER CCLIII.

A Further Supplement to an act entitled "An act concerning taxes," 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 hereafter a poll tax not exceeding one dollar shall be assessed upon every male inhabitant of this State of the age of twenty-one years and upwards, except the polls of all volunteers and sailors, who have served for the period of one year or more, also those wounded and discharged in consequence thereof, in the armies or navies of the United States, who have been honorably discharged, and of all paupers, idiots and insane persons; *provided*, that nothing in this act shall in anywise interfere with the poll tax required to be raised by any special law in payment of bounties. Poll tax to be assessed. Proviso.

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

Approved March 21, 1871.

CHAPTER CCLV.

A Further Supplement to the act entitled "An act concerning witnesses," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of a new trial of any civil action or suit, either party to which shall have died since the former trial, and which shall have been duly revived, and prosecuted or proceeded with, at the suit of or against the legal representatives of such deceased party, the

other or surviving party, and also such legal representative shall be competent witnesses on such new trial, and the testimony of such deceased party on the former trial of said action or suit, may also be proved and admitted on the new trial thereof.

Testimony of deceased witness may be proved on new trial.

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

Approved March 21, 1871.

CHAPTER CCLVI.

A Further Supplement to an act entitled "An act to ascertain the rights of the State and riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this State," approved April eleventh one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any riparian owner on the waters in this State who is desirous to obtain a lease, grant or conveyance from the State of New Jersey of any land under water in front of his lands, may apply to the commissioners appointed under the act to which this is a supplement and the supplements thereto, who may make such lease grant or conveyance with due regard to the interests of navigation, upon such compensation therefor, to be paid to the State of New Jersey, as shall be determined by said commissioners, which lease, conveyance or grant shall be executed as directed in the act to which this is a supplement and the supplements thereto, and shall vest all the rights of the State in said lands in said lessee or grantee.

Lands under water may be leased.

2. *And be it enacted*, That this act shall not interfere with the original act or its supplements as to the waters of the Hudson river, New York bay or Kill Von Kull, easterly of Envards dock.

Where not to apply.

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

Approved March 21, 1871.

CHAPTER CCLXXXI.

ı act to re-apportion the several Assembly Districts of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of e State of New Jersey*, That for the purpose of electing ɔmbers of the General Assembly of this State, the several unties shall be formed into assembly districts equal in .mber to the number of members of the General Assembly, ıich said counties are entitled to elect respectively, that to say: the county of Cape May shall constitute one sembly district, to be composed of the several townships erein and the city of Cape May. Number of districts. Cape May.

2. *And be it enacted*, That the county of Atlantic shall nstitute one assembly district, to be composed of the sev- al townships therein and the city of Atlantic. Atlantic.

3. *And be it enacted*, That the county of Cumberland shall nstitute two districts; the first district to be composed of e first, second and third wards of the city of Bridgeton, ıd the townships of Fairfield, Downe, Hopewell, Stoe reek and Greenwich; the second district to be composed the first, second and third wards of the city of Millville, ıd the townships of Maurice River, Landis and Deerfield. Cumberland. First district. Second district.

4. *And be it enacted*, That the county of Salem shall con- itute two districts, the first district to be composed of the wnships of Lower Penns Neck, Upper Penns Neck, Piles- ove, Upper Pittsgrove and Pittsgrove; the second district be composed of the first and second wards of Salem city, ıd the townships of Elsinboro, Mannington, Upper lloways Creek and Lower Alloways Creek. Salem. First district. Second district.

5. *And be it enacted*, That the county of Gloucester shall ɔnstitute two districts; the first district to be composed of Woodbury city, and the townships of West Deptford, Dept- rd, Mantua, Washington, Greenwich and Monroe; the cond district to be composed of the townships of Clayton, ranklin, Harrison and Woolwich. Gloucester. First district. Second district.

6. *And be it enacted*, That the county of Camden shall ɔnstitute three districts; the first district to be composed of ıe first, second, third and fourth wards of the city of Cam- Camden. First district.

Second district. den; the second district to be composed of the fifth, sixth, seventh and eighth wards of the city of Camden and the
Third district. townships of Stockton and Delaware; the third district to be composed of Gloucester city and the townships of Centre, Haddon, Gloucester, Waterford and Winslow.

Burlington. 7. *And be it enacted*, That the county of Burlington shall
First district. constitute four districts; the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover,
Second district. Mansfield and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson
Third district. and Chester; the third district to be composed of the townships of Willingboro, Pemberton, North Hampton, West
Fourth district. Hampton, Lumberton and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor.

Ocean. 8. *And be it enacted*, That the county of Ocean shall constitute one assembly district, to be composed of the several townships therein.

Mercer. 9. *And be it enacted*, That the county of Mercer shall constitute three districts, to remain as now composed.

Monmouth. 10. *And be it enacted*, That the county of Monmouth shall
First district. constitute three districts, the first district to be composed of the townships of Upper Freehold, Millstone, Manalapan,
Second district. Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall and
Third district. Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan and Raritan.

Middlesex. 11. *And be it enacted*, That the county of Middlesex shall constitute three districts, to remain as now composed.

Somerset. 12. *And be it enacted*, That the county of Somerset shall constitute two districts, to remain as now composed.

Hunterdon. 13. *And be it enacted*, That the county of Hunterdon
First district. shall constitute two districts; the first district to be composed of the townships of West Amwell, East Amwell, Lam-
Second district. bertville, Delaware, Raritan, Readington and Kingwood; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton Borough, Clinton Township, Lebanon and Tewksbury.

Union. 14. *And be it enacted*, That the county of Union shall
First district. constitute three districts: the first district to be composed of the territory now comprising the first, second, third,

rth and eighth wards of the city of Elizabeth; the second Second district.
trict to be composed of the territory now comprising the
h, sixth and seventh wards of the city of Elizabeth, and
townships of Union, Springfield, Cranford and Linden;
third district to be composed of the territory now com- Third district.
sing the four wards of the city of Rahway, and the town-
ps of Plainfield, Westfield, Summit, New Providence and
ark.

15. *And be it enacted*, That the county of Warren shall Warren.
nstitute two districts: the first district to be composed of First district.
townships of Greenwich, Franklin, Lopatcong, Phillips-
rg, Harmony, Washington and Washington Borough; the
ond district to consist of the borough of Hackettstown, Second district.
d the townships of Belvidere, Oxford, Mansfield, Inde-
ndence, Hope, Frelinghuysen, Hardwick, Pahaquarry,
airstown and Knowlton.

16. *And be it enacted*, That the county of Sussex shall Sussex.
nstitute one assembly district, to be composed of the
veral townships therein.

17. *And be it enacted*, That the county of Passaic shall Passaic,
nstitute three districts: the first district to be composed First district.
the township of Aquackanonck, the village of Passaic and
fourth, fifth and eighth wards of the city of Paterson;
second district to be composed of the second, sixth and Second district
venth wards of the city of Paterson, and the township of
ttle Falls; the third district to be composed of the first Third district.
d third wards of the city of Paterson, and the townships
Manchester, Wayne, Pompton and West Milford.

18. *And be it enacted*, That the county of Bergen shall Bergen.
nstitute two districts: the first district to be composed of First district.
townships of Ridgefield, New Barbadoes, Midland,
nion, Lodi and Saddle River; the second district to be Second district
mposed of the townships of Englewood, Palisades, Har-
ngton, Washington, Hohokus and Franklin.

19. *And be it enacted*, That the county of Morris shall Morris.
nstitute three districts: the first district to be composed First district.
the townships of Chatham, Hanover, Montville and
orris; the second district to be composed of the townships Second district.
Boonton, Pequannock, Rockaway and Jefferson; the third Third district.
strict to be composed of the townships of Passaic, Mend-
m, Chester, Washington, Roxbury and Randolph.

20. *And be it enacted*, That the county of Essex shall Essex.
nstitute nine districts, to remain as now composed.

Hudson.

21. *And be it enacted*, That the county of Hudson shall constitute eight districts, to be composed as follows: the

First district.

first district beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along the said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning;

Second district.

The second district: beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Cornelison avenue; thence northerly along the centre line of Mill road or Cornelison avenue to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence

northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of Hudson river; thence southerly along the centre line of Hudson river to the place of beginning;

Third district.

The third district: beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning;

Fourth district.

The fourth district: beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey Railroad to the centre line of Cottage Place; thence easterly along the centre line of Cottage Place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken

avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City, to the place of beginning;

Fifth district.

The fifth district: beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey railroad to the centre line of Cottage Place; thence easterly along the centre line of Cottage Place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey railroad to the end of the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning:

Sixth district.

The sixth district: beginning at the point where the centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street, thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southerly boun-

dary to the westerly boundary of said city: thence along the said westerly boundary to the place of beginning; and also so much of said county of Hudson as is comprised within the limits of the township of Greenville, and the city of Bayonne;

The seventh district: being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken; Seventh district.

The eighth district: being all that part of the county of Hudson which is not comprised within the limits of any other of said assembly districts. Eighth district.

Approved March 22, 1871.

CHAPTER CCLXXXII.

An Act for the Prevention of Cruelty to Animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall over-drive, over-load, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be over-driven, over-loaded, tortured, tormented or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated or killed as aforesaid, any living creature, every such offender shall, for any such offence, be guilty of a misdemeanor. Cruelty to animals a misdemeanor.

2. *And be it enacted*, That any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, and every person who shall witness, encourage, aid or assist therein, or who shall permit or suffer any place to be so kept or used, shall, upon conviction thereof, be adjudged guilty of a misdemeanor. Fighting animals or fowls a misdemeanor.

3. *And be it enacted*, That any person who shall impound or confine, or cause to be impounded in any pound or other place, any creature, shall supply to the same, during such

confinement, a sufficient quantity of good and wholesome food, water, and bedding, and in default thereof, shall, upon conviction, be adjudged guilty of a misdemeanor.

Neglect of animals a misdemeanor.

4. *And be it enacted*, That in case any creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food, water or bedding for more than twelve successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon any pound in which any such creature shall be so confined, and to supply it with necessary food, water and bedding, so long as it shall remain so confined; such person shall not be liable to any action for such entry, and the reasonable cost of such food, water or bedding, may be collected by him of the owner of such creature, and the said creature shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

Any person may enter premises to feed and water animals.

5. *And be it enacted*, That if any person shall carry or cause to be carried in, or upon any vehicle or otherwise, any creature tied or bound in a cruel or inhuman manner, he shall be guilty of a misdemeanor, and whenever he shall be taken into custody therefor by any officer, such officer may take charge of such vehicle and its contents, and deposit the same in some safe place of custody; and any necessary expense, which may be incurred for taking charge of and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can lawfully be recovered, or the said expense or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of the said creature, in any action therefor.

No animal to be tied or bound in cruel manner.

6. *And be it enacted*, That every person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle, in any city or incorporated village, for business or other purposes, shall forfeit and pay a fine of one dollar for the first offence, and a fine of ten dollars for each subsequent offence.

No dog to be used to cart, &c.

7. *And be it enacted*, That if any maimed, sick, infirm or disabled creature shall be abandoned to die by any person in any place, such person shall be guilty of a misdemeanor, and it shall be lawful for any justice of the peace, sheriff, or captain or chief of police of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals in

Sick or disabled creatures may be killed.

this State, to appoint suitable persons to destroy such creature, if unfit for further use.

8. *And be it enacted*, That any agent of the New Jersey Society for the Prevention of Cruelty to Animals, upon being designated thereto by the sheriff of any county in this State, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of this act, and all fines and forfeitures imposed or collected in any such county under the provisions of this act, shall enure and be paid to said society in aid of the benevolent objects for which it was incorporated; which society may sue for and recover the same with costs, in an action of debt, brought in their corporate name, in any court of competent jurisdiction.

Offenders may be arrested.

Fines and forfeitures, how collected and applied.

Approved March 22d, 1871.

CHAPTER CCLXXXIII.

An act to provide for the registration of persons entitled to the right of suffrage in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, more than twenty thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein, respectively.

Registry to be made in certain cities

2. *And be it enacted*, That the judges of election in the several wards or election districts into which said wards are or may be divided, shall constitute a board of registry, and shall, as members thereof, severally take and subscribe an oath or affirmation before an officer authorized to administer oaths and affirmations, faithfully and impartially to discharge all their duties under this act according to the best of their ability, which oath or affirmation shall be entered on the register.

Board of registry how constituted.

Members shall take an oath.

3. *And be it enacted*, That at least two weeks before the

day fixed in and by this act for the first meeting of the board of registry, the city clerk of every such city as aforesaid, shall cause to be published in each of the daily newspapers of such city, and continued therein for at least three days, a public notice of the time and place of commencing the registration of persons entitled to the right of suffrage in said city, revising the register and holding the election in the several wards or election districts into which said wards are or may be divided, which place of registration and of holding the election shall be the same.

Notice of time and place of meeting to be given.

4. *And be it enacted*, That the boards of registry shall hold their first meeting for the registration of persons entitled to the right of suffrage, in the several wards, or election districts, at the place designated in such notices, on Tuesday, three weeks next preceding the general State election, at seven o'clock in the morning, and shall remain in session until seven o'clock in the evening, but may take any necessary recess, not exceeding one hour, during that time, and after taking and subscribing upon the register the oath or affirmation aforesaid, shall proceed to register the names and residences of all persons entitled to the right of suffrage, who shall personally appear before them for that purpose, or who shall be shown to have been legal voters in the ward or district at the last preceding general election; *provided*, that no person born out of the United States shall be registered, unless he shall produce a legal certificate of naturalization, under which he claims a right to vote, before the board of registry, either at their first or second meeting, or shall have been duly registered at a previous general election held after the passage of this act, which certificate shall thereupon be endorsed with the date of exhibition.

Meetings, where and when held.

Hours of session.

Who to be registered.

Proviso.

5. *And be it enacted*, That when the said board of registry shall have completed their register, they shall certify thereon, and announce publicly, the number of names entered thereon; that on the day succeeding such first meeting, a correct list of the names of persons entered on said register shall be posted in a hand-bill form in some conspicuous and accessible portion of the premises where the meeting shall have been held, and another correct list of such names shall be filed with the city clerk, and be open for public inspection; both of which lists shall be certified by the board of registry, or a majority thereof, to be correct copies of the original register.

Duties of board.

List to be certified, posted and filed.

6. *And be it enacted*, That the board of registry shall also meet on Thursday next preceding the day of general election, at the same hour and place as of their first meeting, and remain in session until seven o'clock in the evening, for the purpose of revising and correcting the original register, of adding thereto the names of all persons entitled to the right of suffrage in the election district at the next ensuing general election, and who shall appear in person before them, and of erasing therefrom the name of any person who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein by reason of non-residence or otherwise; and upon the final completion of said register, the said board of registry shall publicly announce and certify on the register the number of names entered thereon; and on the next succeeding day shall cause certified copies of the list of names to be posted and filed as required by the fifth section of this act, and if any person shall wilfully tear down, remove or deface any list of names posted pursuant to this act, he shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding five hundred dollars.

Register to be revised, corrected and extended.

Penalty for injuring register.

7. *And be it enacted*, That the register shall contain a list of the persons entitled to the right of suffrage in the election district, arranged in the alphabetical order of their surnames in such a manner as to show the names at full length, the residence, by the number, (if there be a number), and the name of the street, court or alley, or other location of the dwelling place of each person.

Names and residences, how arranged.

8. *And be it enacted*, That the clerks of election of the various wards, or election districts into which the wards are or may be divided, shall attend at all meetings of the board of registry, and act as clerks of said boards; procure and furnish the register, make the entries therein and prepare the certified lists for posting and filing; *provided*, that in case of the absence of the clerk, from sickness or otherwise, said board may appoint a temporary substitute.

Clerk to board. Duties of.

9. *And be it enacted*, That the proceedings of the board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registry.

Proceedings to be public.

10. *And be it enacted*, That any member of the board of registry may, at any authorized meeting of the board, ad-

Oaths may be administered.

minister the oaths and affirmations required by law for testing and determining the qualifications of electors and their right to be registered, and that whoever shall swear or affirm falsely in relation thereto, shall be deemed guilty of perjury, and suffer the punishment prescribed therefor.

False swearing, penalty for.

Fraudulent registry, penalty of.

11. *And be it enacted*, That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name to be registered, knowing that he is not entitled to vote in the ward or election district wherein said registry is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every such offense by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Register to be preserved

No person to vote unless registered.

Board of registry

12. *And be it enacted*, That the original register, after being revised and corrected, shall be carefully and safely preserved by the board of registry, for use by the members thereof as judges of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register: and if any member of the board of registry shall refuse to register any person legally entitled to vote, or shall, at the first meeting of the board of registry, register the name of any person who shall not have appeared before the board to require the registry of his name, or be shown to have been a legal voter in the ward or district at the last preceding general election, or shall at the second meeting of said board register the name of any person who shall not have appeared before them to require it, or, if when acting as judge of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, he shall be punished, on conviction, for every such offense, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Pains and penalties.

Elections, how conducted.

13. *And be it enacted*, That on the day of election the clerk of election shall keep the usual poll list, and one of the judges shall check on the register the name of the person voting, and that after the canvass of the votes, the poll list and the register so kept and checked shall be attached together and shall, within three days thereafter, be filed with the clerk of the county.

14. *And be it enacted*, That whenever there shall occur any vacancy from any cause, in the office of judge of election in any election district, the common council of the city shall fill the same; but in all cases they shall provide that no more than two of the judges of election shall be chosen from the same political party, and that in case this requirement shall be violated by the common council, a protest may be made, in writing, by any ten legal voters of the district, stating the reason therefor, which protest shall be attached by the board of registry to the original register.

Judge of election, vacancy, how filled.

Protest may be made.

15. *And be it enacted*, That the provisions of this act are hereby made applicable to all annual municipal elections in the cities affected by this act, except that the board of registry shall use the revised and corrected register of the general election immediately preceding, taking the certified copy thereof filed with the city clerk, which shall be revised and corrected by the board of registry on the Thursday preceding the charter election, as provided in section six of this act; but this act shall not apply to charter elections held before the next general election.

Act, how applicable.

16. *And be it enacted*, That the expenses incurred under this act, shall be paid by the cities respectively to which it applies; that the clerk of election, and each of the members of the board of registry and each judge of election, shall receive three dollars per day for his services under this act; *provided*, that compensation shall not be paid for more than six days, in respect to the general election, nor more than four days in respect to the municipal election.

Expenses, how paid.

Proviso.

17. *And be it enacted*, That eight hours shall constitute a day's labor on any day whereon any general or municipal election shall be held.

Eight hours a day's labor on election days.

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

Approved March 22, 1871.

CHAPTER CCLXXXIV.

A Further Supplement to an act, entitled "An act concerning corporations."

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 any corporation duly organized according to law, with the consent in writing of all its stockholders for the time being, to declare, by resolution, that a certain portion of the capital stock in said corporation authorized by law, not to exceed two-thirds thereof, shall be preferred stock, and to issue certificates therefor to all persons giving valuable consideration for the same.

Preferred stock may be created.

2. *And be it enacted*, That the holders of said preferred stock shall be entitled, after payment of the current expenses of such corporation, including interest on any bonds by it issued, and taxes, to share proportionally, half yearly, the net earnings thereof, and exclusively receive dividends from the profits of the same, until such dividends equal seven per centum per annum upon the amount of said preferred stock, and the holders of other capital stock in said corporation, shall not be entitled to any part of said profits until and unless the said profits exceed a sum equal to seven per centum as aforesaid, upon said preferred stock, which excess may be divided proportionably among them; *provided*, that if such excess is more than sufficient to pay the holders of said stock not preferred a greater dividend than seven per centum per annum, the remaining profits shall be divided proportionably among all the stockholders whether preferred or not.

Net earnings, how divided.

Proviso.

3. *And be it enacted*, That the holders of said preferred stock shall not be authorized to vote thereon for directors or managers of said corporation.

Holders of preferred stock not to vote for directors.

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

Approved March 22, 1871.

CHAPTER CCLXXXV.

Supplement to an act, entitled "An act to regulate the practice of the Courts of Law."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any executor or executors have refused, or shall refuse, in writing, to prove the last will and testament of any testator, and shall file such refusal in the surrogate's office of the proper county, it shall and may be lawful for the executor or executors, who have proved, or shall prove said last will and testament, to maintain a suit at law in any of the courts of this State, without joining in such suit, such executor or executors so refusing as aforesaid. Suit at law may be maintained.

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

Approved March 22, 1871.

CHAPTER CCXCI.

An act to authorize the discharge of Executors, Administrators and Guardians in certain cases.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any executor, administrator or guardian, who has entered on the duties of his office, shall desire to be discharged from the further performance of the same, it shall be lawful for him to apply by petition for such discharge; when the letters of such executor, administrator or guardian were issued by the ordinary, such application shall be made to the prerogative court, and when the letters were issued by the surrogate of any county, Application for discharge may be made, how.

New Jersey State Library

the application shall be made to the orphans' court of that county.

Court may grant same.

2. *And be it enacted*, That upon such application the court shall examine into the matter, and if it shall appear that there is sufficient reason for such discharge, it may, by an order made for that purpose, grant the same; and such executor, administrator or guardian shall thereupon be relieved and discharged from all further duties of his office, except accounting for and paying over the moneys or assets received by him by virtue of his office.

Successor, how appointed.

3. *And be it enacted*, That upon such discharge the like proceedings may be had to appoint another executor, administrator or guardian in the stead of the one so discharged, as if the executor, administrator or guardian so discharged had died; and the person so appointed shall have the same power in all things, as if appointed upon the death of the person so discharged.

Application may be denied.

4. *And be it enacted*, That such discharge shall not be made if it shall appear to the court that it will be prejudicial to the estate in the hands of such executor, administrator o guardian, or to those interested therein, or that such discharge would work injury or injustice, or if the court, for any other reason, is of opinion that the same ought not to be granted; and on the part of the estate in the hands of such executor, administrator or guardian at the time of his discharge, to be paid over to his successor, such share of the commission allowed on the estate shall be paid to him as the court shall judge reasonable, but in no case to exceed one-half of the commission on that part.

Commissions.

Liabilities to remain.

5. *And be it enacted*, That by such discharge such executor, administrator, or guardian, or his sureties shall not be released from any liabilities incurred by him before such discharge, but shall be and remain liable to account for the estate which had come to his hands, and for acts and omissions before such discharge, and to all suits and actions to which he became liable from such discharge by his own acts or omissions in the same manner as if he had not been discharged; and in case there shall be a co-executor, co-administrator, or joint guardian, who shall remain such, or in case any executor, administrator or guardian be appointed in his place, he shall forthwith pay over to such joint or succeeding executor, administrator or guardian the whole amount of the

estate remaining in his hands, for which payment his sureties shall remain liable.

6. *And be it enacted*, That the proceedings under this act, both in the prerogative court and orphans' court, shall be governed by such rules as may from time to time be prescribed for that purpose by the ordinary. Rules to be prescribed by the ordinary.

7. *And be it enacted*, That all discharges of executors, administrators and guardians, made in accordance with the provisions of this act, subsequent to March seventeenth, one thousand eight hundred and seventy, are hereby legalized and confirmed. Discharges confirmed.

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

Approved March 22, 1871.

CHAPTER CCCIV.

A Further Supplement to the act, entitled "An act for the preservation of Sheep," 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 assessors and collectors of the several townships, cities, wards and boroughs of this State, shall each be entitled to receive twelve cents, and no more, for every dog or bitch assessed according to the provisions of the said act and the several supplements thereto; *provided*, that nothing herein contained shall be construed to affect any special law of any township, city, ward or borough of this State. Fees for assessing dogs. Proviso.

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

Approved March 23, 1871.

CHAPTER CCCXXIII.

An Act for an appropriation for the support and maintenance of the Soldiers' Children's Home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriations for the support of the soldiers' children's home, directed by the act approved April first, anno domini, one thousand eight hundred and sixty-nine, the sum of eight thousand dollars is hereby appropriated for the object designated by the title of this act, to be expended under the direction of the managers of said home; and the treasurer of the State is hereby directed to pay to the treasurer of the said soldiers' children's home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sum of money for the purpose aforesaid.

Eight thousand dollars appropriated.

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

Approved March 23, 1871.

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CHAPTER CCCXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the trustees of the State Reform School to erect and furnish a new building as a family house for fifty boys, and for arranging the grounds about it, the sum of ten thousand dollars is hereby appropriated, to be paid to the trustees by the treasurer of the State upon the warrant of the comptroller,

New building to be erected.
Ten thousand dollars appropriated.

when the plan of the building shall have been approved by the board of control.

2. *And be it enacted*, That the further sum of twenty thousand dollars be, and the same is hereby appropriated for the support of the said school, the maintenance and instruction of the pupils, and for the further purpose of fertilizing and improving the farm belonging to the institution, which sum the treasurer of the State is hereby directed to pay to the trustees upon the warrant of the comptroller. Twenty thousand dollars appropriated.

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

Approved March 23, 1871.

CHAPTER CCCXXXVII.

An Act empowering the appointment of Harbor Masters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any canal company in this State may apply to the governor of the State of New Jersey to commission such person or persons as any such canal company may designate, to act as harbor master or harbor masters for such corporations. May apply to governor for commission.

2. *And be it enacted*, That the governor of this State upon application, may appoint such person or persons, or so many of them as he may deem proper, to be such harbor master or harbor masters, and shall issue to such person or persons so appointed, commissions to act as such, a copy of which shall be filed in the office of the secretary of state. Governor may appoint and commission.

3. *And be it enacted*, That every person so appointed shall have as to the waters, basins, piers and bulkheads of the canal for which he may be appointed, the same rights and authority as is given to the harbor master of Elizabeth and Elizabeth creek in this State, in and by the third section of the act entitled "An act to provide for the appointment of a harbor master for the harbor of Elizabeth and Elizabeth creek in this State," approved March seventeenth, one thousand eight hundred and seventy. Powers of harbor masters.

4. *And be it enacted*, That the compensation of such harbor master shall be paid by the company or companies for Compensation,

which he shall be employed and commissioned, and shall be such an amount as shall be agreed upon between any such company and such harbor master.

Commission, how terminated.

5. *And be it enacted*, That when such company shall no longer require the services of any harbor master so appointed as aforesaid, such company shall give to such harbor master thirty days' notice to that effect, and shall also file a duplicate of the same within five days after service, in the office of the secretary of state, and thereupon at the expiration of said notice the power and commission of said harbor master shall cease and be determined.

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

Approved March 27, 1871.

CHAPTER CCCXLII.

A Further Supplement to "An act to describe, apprehend and punish disorderly persons."

Who to be adjudged disorderly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall loiter or assemble on the streets, at the corners of the streets, or in the public places of any city, village, borough, or township of this State, being under the influence of intoxicating liquor, or who not being under such influence shall indulge in and utter loud and offensive or indecent language, or shall address or make audible and offensive remarks or comments upon any person passing along such streets or public places, or shall obstruct or interfere with any person or persons lawfully being in and upon such streets or public places, shall be deemed and adjudged to be disorderly.

Penalties.

2. *And be it enacted*, That any disorderly person of the description aforesaid, may be apprehended in the manner described in the third section of the act to which this is a supplement, and taken before any justice of the peace of the county, or police justice of any city where such person may

be apprehended; and it shall be the duty of such justice to commit such disorderly person, when convicted before him by the confession of the offender, or by the oath or affirmation of one or more witnesses, to the county jail of such county, there to be kept, at hard labor, for any time not exceeding thirty days, or fine such person in a sum not exceeding twenty dollars.

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

Approved March 27, 1871.

CHAPTER CCCXLIII.

A Supplement to an act entitled "An act for the preservation of Cranberries and Cranberry Vines."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall take or gather from the vines at any time, cranberries within this State on lands not their own property, or for which they pay no taxes, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or imprisonment at hard labor, not exceeding one year. Penalty for unlawful taking.

2. *And be it enacted*, That if any person shall dig, pull up, gather, destroy, or carry away, at any time, cranberry vines growing within this State, on any lands not their own property, or for which they pay no taxes, such person or persons, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding fifty dollars, or imprisonment at hard labor, not exceeding one year. Removing vines unlawfully, penalty for.

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

Approved March 27, 1871.

CHAPTER CCCLXIII.

A Further Supplement to the act entitled "An act to secure to mechanics and others, payment for their labor and materials in erecting any building," approved March eleventh, one thousand eight hundred and fifty-three.

Lien to extend to docks, wharves, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lien given by the act to which this is a supplement, is hereby extended to all docks, wharves and piers erected upon any navigable river in this State, and to the lots of land in front of which such docks, wharves, or piers may be erected, and to all the interest of the owner or owners of such land in the soil or waters of such navigable river in front of said lands, for all debts contracted by the owner or owners thereof, or by any other person with the consent of such owner or owners, in writing, for work done or materials furnished for or about the erection or filling in of said docks, wharves or piers.

Approved March 28, 1871.

CHAPTER CCCLXIV.

An Act relative to pilotage in the navigable waters of the State of New Jersey, or in waters over which she has concurrent jurisdiction.

A licensed pilot shall be employed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That henceforth no citizen of New Jersey, being master of any vessel, navigated under a coasting license employed in the coasting trade, and whose vessel shall be bound either in or out of any of the navigable waters of the State of New Jersey, or over which the said State has concurrent jurisdiction with other States, consti-

tuting waters wherein pilotage is usually charged, demanded or received, whether the same be in or out of the capes of the Delaware, or in the Delaware bay or river, or in or over the bar of Sandy Hook, shall be required to employ a licensed pilot.

2. *And be it enacted*, That all laws now in force, and which are inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

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

Approved March 28, 1871.

CHAPTER CCCLXXX.

A Supplement to an act entitled "An act to regulate sales of real estate made under a public statute, or the direction of a court," approved April fifteenth, one thousand eight hundred and forty-six.

WHEREAS, the provisions of an act amendatory of the act recited in the title of this act, approved April fifth, one thousand eight hundred and sixty-seven, require certain advertisements to be published in two newspapers, which provisions have not been in all instances known or complied with, whereby the titles of certain lands have become defective or uncertain; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any sale made in all respects in accordance with the provisions of the law as it stood before the passage of said amendatory act of April fifth, one thousand eight hundred and sixty-seven, shall be deemed and taken to be as valid and effectual as if said amendatory act had not been passed, and the courts shall not refuse to confirm any such sale, by reason of any failure to comply with the provisions of said amendatory act relating to the publishing of advertisements in two newspapers; *provided*, Penalty for omissions removed. Proviso.

that nothing herein contained shall extend or apply to sales which may be hereafter ordered and made.

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

Approved March 29, 1871.

CHAPTER CCCXCVII.

A Supplement to the act entitled "An act to fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of both houses of the Legislature, including the journal clerks and pages, shall receive the same compensation as was received by the officers of a similar grade in the House of Assembly during the session of one thousand eight hundred and seventy.

Salaries same as in 1870.

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

Approved March 29, 1871.

CHAPTER CCCXCVIII.

A Further Supplement to an act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane."

Preamble.

WHEREAS, it is desirable that the accounts and reports of the lunatic asylum should be balanced and made up to the last day of October, in each year, to correspond with the termination of the State fiscal year; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendent of the asylum shall cause all the accounts and records of the institution to be made up to the last day of October, in each year, and shall make his report thereon to the managers immediately thereafter; and the managers shall present to the governor, on or before the fifteenth day of November, in each year, the annual reports now required by law. Reports, when to be made.

2. *And be it enacted*, That the treasurer of the asylum shall balance his accounts annually, on the last day of October, and within three days thereafter, deliver to the auditing committee of the managers the annual statements and abstracts required by law; and shall hereafter render his quarterly statements of receipts and payments on the first Mondays of February, May and August in each year. Accounts, when to be stated and closed.

3. *And be it enacted*, That the steward shall make the quarterly abstracts of his accounts to the last Monday of every January, April, July and October; and shall make the inventory and appraisements, required by the fifteenth section of the act to which this is a supplement, during the third week in October, in each year. Abstracts and appraisements, when made.

4. *And be it enacted*, That the managers be and they are hereby authorized and empowered to purchase, for the use of the asylum, so much land adjoining the present asylum farm as they may deem necessary; *provided*, the cost thereof shall not exceed thirteen thousand five hundred dollars, which sum the treasurer is hereby authorized to pay out of the State treasury for that purpose. Land may be purchased. Proviso.

5. *And be it enacted*, That the act entitled "A further supplement to an act entitled 'An act to provide for the organization of the State lunatic asylum, and for the care and maintenance of the insane,'" approved April fifth, one thousand eight hundred and sixty-six; and also so much and such parts of the act to which this is a supplement as conflicts with the provisions of this act, be and the same are hereby repealed. Repealer.

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

Approved March 31, 1871.

CHAPTER CCCXCIX.

An Act relative to Bribery.

Penalty for giving or receiving bribe.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person convicted of, hereafter, in any way, directly or indirectly, offering, promising, procuring, conferring, accepting, receiving or taking any money, property, thing in action, victuals, drink, preferment, or other consideration by way of fee, reward, gift, or gratuity for giving or refusing to give any vote in any election of any public officer, State, county or municipal, whatever, or any member of the Congress of the United States, shall, in addition to any punishment now imposed by statute or the common law, be deprived of the right of suffrage, and such additional punishment shall be part of the judgment of the court in which the conviction is had.

Corporations shall forfeit charter.

2. *And be it enacted*, That any corporation whose managers, officers or agents, or any of them shall use the money or property of said corporation, or any other money or property to effect any of the unlawful purposes in the first section of this act mentioned, or in the first section of an act approved April second, one thousand eight hundred and sixty-nine, entitled "A Further Supplement to the act entitled 'An act for the punishment of crimes,'" approved April sixteenth, one thousand eight hundred and forty-six, shall, if the said money or property be allowed by such corporation in account to such managers, officers or agents, or any of them, or be repaid by such corporation to such managers, officers or agents, or any of them, forfeit its charter; and all officers of said corporation who shall in anywise assent to such appropriation of the money or property of such corporation, or shall not, after being informed of such use or intended use of the money or property of such corporation, ask, in writing, that his dissent therefrom be recorded on the minutes of said corporation's meetings, and send to the prosecutor of the pleas of the county in which the meetings of the company are usually held, a copy of such request, with a detailed statement of the information on which he

Statement to be sent to prosecutors.

acted, shall be deemed guilty of a misdemeanor, and on conviction thereof, be deprived of the right of suffrage.

3. *And be it enacted*, That in case any of the said persons in this act mentioned, who shall be convicted of any of the offences above set forth, shall be non-residents of this State, they shall, in addition to the punishments before described, be deemed and held incapable of performing any official act within this State for the benefit of such corporation, but shall in all respects, so far as to bind such corporation, be competent as before. Penalty against non-residents.

4. *And be it enacted*, That whichever of the parties to an act of bribery shall first complain in writing, under oath, to a magistrate in this State, of the other, shall be exempt from the pains and penalties inflicted upon such first complaining party by any law of this State; *provided*, such first complaining party shall also send a copy of such written complaint to the prosecutor of the pleas of the county in which the offence shall be committed, within one week after the written complaint to the magistrate. Who exempt. Proviso.

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

Approved March 31, 1871.

CHAPTER CCCC.

A Further Supplement to "An act to establish a system of public instruction," approved the twenty-first day of March, one thousand eight hundred and sixty-seven, and the further supplement to the same, approved the twenty-third day of February, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "eighteenth," in the first section of the supplement approved the twenty-third day of February, one thousand eight hundred and seventy-one, be stricken out, and the word "eightieth" be inserted in the place thereof. Word changed.

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

Approved March 31, 1871.

CHAPTER CCCCI.

An act to provide additional accommodations for the Insane of this State.

Preamble.

WHEREAS, it appears to the Legislature that our State lunatic asylum is now crowded with patients beyond its capacity for their comfortable care and cure, and its sanitary operations and provisions are thereby greatly impeded; AND WHEREAS, the number of insane persons in this State has greatly increased, and this class of our fellow citizens are entitled to State care and protection while thus afflicted; therefore,

Commissioners may be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor of this State, by and with the advice and consent of the Senate, five competent persons, one from each of the present congressional districts of the State, "Commissioners to select a site and build an asylum for the Insane of this State;" that said commissioners shall not receive any compensation for the services herein imposed upon them except the actual expenses incurred in the discharge of their duties, nor shall said commissioners be in any way concerned in any contract for the erection of the said building or for furnishing supplies of any kind for the same.

Powers of.

2. *And be it enacted*, That the said commissioners shall after due examination, select and purchase within ninety days after the passage of this act, in the name of the State, a farm or tract of land, in the northerly portion of this State, not to exceed three hundred acres; the said tract shall combine the advantages of fertility of soil, a healthy location, facility of access from all parts of the State, an unlimited supply of good and wholesome water, large facilities for drainage from the building, with good facilities for obtaining building materials and coal and other fuel for the use of the same; the farm or tract selected and the terms of its

acquisition, whether by purchase or gift, shall be approved by the governor in writing before any purchase money shall be paid or deed accepted for lands either purchased or donated for the same. Governor to approve.

3. *And be it enacted*, That said commissioners shall have power to select and appoint such architects, superintendents and other persons necessary, with such compensation as may be fixed upon, who, together with themselves, shall prepare and mature a plan for the proposed asylum and superintend its erection; the said plan drawn out in detail shall be approved by the governor, or such experts as he may select for deciding upon the propriety of the same; and no changes shall be made in the said plan to materially affect its general character without the consent of the governor or said experts in writing. Plan to be selected.

4. *And be it enacted*, That it shall be the duty of the said commissioners, as soon as practicable, after the selection and securing of the site and maturing the plan for said asylum, to commence the erection of the building for the same either by contract or otherwise, as they may deem best for the interest of the State; if by contract, they shall invite by public notice proposals for building the same according to the plans and specifications adopted, stating the time and place where the said proposals will be received, reserving to themselves the privilege of accepting or rejecting such proposals as they may deem for the best interest of the State. Building to be erected.

5. *And be it enacted*, That the said commissioners shall keep a full record of their proceedings and render a report of the same in detail to the governor and Legislature, at the end of each fiscal year, which report shall embrace an account of the money expended, and for what purpose, and also the progress made in the erection of the said building. Report to be made.

6. *And be it enacted*, That to enable the said commissioners to purchase the land and make the necessary preparations for commencing and building the asylum herein provided for, the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated, to be paid by the treasurer of the State out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, under requisition from the commissioners. Appropriation.

7. *And be it enacted*, That in case of a vacancy in the commission by death, resignation or otherwise, the governor Vacancies.

shall appoint a suitable person to fill said vacancy during the recess of the Legislature.

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

Approved March 31, 1871.

CHAPTER CCCCII.

An Act to appoint commissioners to erect an addition and make repairs to the State House.

Commissioners appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles S. Olden, Thomas J. Stryker and Lewis Perrine shall be and are hereby appointed commissioners, without compensation, whose duty it

Duties of.

shall be to cause to be erected a suitable addition to the State House, to provide larger and more commodious rooms for the meetings of the Senate and General Assembly, for committee rooms and other needful purposes, to correspond, as near as may be, to the present building in architectural design and appearance, and for which purpose they are authorized to procure plans and specifications, and shall adopt such plans only as may be first approved by the governor, president of the Senate, the speaker of the House, and joint committees on public buildings, and to receive proposals for making such repairs, alterations and additions, by contract or otherwise, such engagement first being approved by the said governor, president of the Senate and speaker of the

Appropriation.

House, at a cost thereof not to exceed the sum of fifty thousand dollars, and it shall be the duty of the said commissioners, or one of them, to superintend the building, repairs and improvements thereof, and they are hereby authorized to appoint some suitable architect or builder, at a salary not

Compensation.

to exceed five dollars per day, while actually employed in superintending said erections, with a view to the proper execution of the work, and that the said sum of fifty thousand dollars is hereby appropriated for the purposes aforesaid.

Warrants to be drawn.

2. *And be it enacted*, That the comptroller shall, from time to time, draw his warrants upon the treasurer in favor

of said commissioners, for such sum or sums of money as may be necessary in the prosecution of this work.

3. *And be it enacted*, That the said commissioners, shall cause all their accounts in relation to the aforesaid repairs and additions to said building to be accurately kept and stated; they shall deliver a copy thereof, with their vouchers, to the comptroller, to be filed in his office, and audited according to law, and they shall report to the next session of the Legislature their proceedings under this act. Accounts to be filed.

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

Approved March 31, 1871.

CHAPTER CCCCIII.

An Act to correct omissions in the Sessions of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer is hereby authorized to audit and pay to Andrew J. Shampanore his bill for publishing the laws of this State in the Family Casket, printed and published in the town of White House Station, Hunterdon county, in the same manner, and at the same rate as the other newspapers of this State are paid for the same work, as authorized by an act, entitled "An act to provide for the printing of the public laws of this State, in the several newspapers thereof." Bill to be paid.

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

Approved March 31, 1871.

CHAPTER CCCCVIII.

A Supplement to the act, entitled "An act for the better enforcement in Maurice River Cove and Delaware Bay, of the act, entitled 'An act for the Preservation of Clams and Oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be and the same is hereby amended so that the annual assessments levied as directed in the first section of the said act, shall be ten dollars upon all boats and vessels not exceeding ten tons, and one dollar per ton, custom house measurement, upon all boats and vessels exceeding ten tons.

Assessments.

Repealer.

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

Approved March 31, 1871.

CHAPTER CCCCXXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of completing the new or east wing of the State prison, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be

Seventy-five thousand dollars appropriated.

paid on the warrant of the comptroller to the board of supervisors, from time to time, as needed, upon their requisition, and this act shall take effect immediately.

Approved April 4, 1871.

CHAPTER CCCCXXVI.

A Supplement to the act entitled "An act to provide for the recording of certain papers in the office of the secretary of state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all contracts or agreements for the sale, letting, leasing, consolidating, merging or in any manner disposing of or transfering the franchises, privileges or any part thereof of any company or organization incorporated by or under the laws of this State, shall be acknowledged or proved as conveyances of land in this State, are authorized to be acknowledged or proved, and shall be recorded in the office of the secretary of state within two months after the execution thereof, at the proper cost of the parties thereto; and unless such contract or agreement is lodged with the secretary of state for record within thirty days from the date of the execution thereof, the same shall become invalid and of no effect, and copies of the said record, duly certified by the secretary of state, shall be received in evidence in any court of this State, and be as good, effectual and available in law as if the original contract or agreement was then and there produced.

Contracts shall be acknowledged and proved and recorded in the office of the secretary of state.

Copies received in evidence.

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

Approved April 4, 1871.

CHAPTER CCCCXXVII.

An Act to repeal an act entitled "A supplement to an act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six, which supplement was approved March thirty-first, one thousand eight hundred and sixty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled a supplement to "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six, which supplement was approved March thirty-first, one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

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

Approved April 4, 1871.

CHAPTER CCCCXXVIII.

An Act to establish a State Industrial School for Girls.

Industrial school to be established.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an industrial school be established in this State for the reformation of such girls between the ages of seven and sixteen years as may be committed to it in the manner hereinafter provided.

Board of control. Trustees.

2. *And be it enacted*, That the governor, chancellor, and chief justice of the State for the time being shall constitute a board of control, whose duty it shall be to appoint six trustees to take charge of the management and general interests of the institution, and also to fill vacancies from time to time.

3. *And be it enacted*, That after the first day of each

year, after eighteen hundred and seventy-two, the term of office of the first two named trustees shall end, and the names of the persons appointed to fill the vacancies shall be placed at the bottom of the list; but they may continue to fulfil the duties of their appointment until their successors are appointed; other vacancies may at any time be filled, and the names of the persons appointed shall be substituted in the list for those whom they succeed, and for the remainder of the term; they may be reappointed, and may also be removed by the board of control when, in their discretion, the interests of the institution may so require. Terms of office. Vacancies May be removed.

4. *And be it enacted*, That the said trustees shall and may appoint six lady managers, who shall be associated with them in the management, care, and oversight of the inmates of the school; they shall be appointed for a similar term and in like manner with the trustees, and shall be removable by the board of trustees. Lady managers. Term of office.

5. *And be it enacted*, That the said trustees and lady managers shall receive no compensation for their services, but shall be allowed all necessary expenses incurred by them in the discharge of their duties, and that bills of such expenses, certified by the president or chairman of the board, shall be paid by the treasurer of the State, upon the warrant of the comptroller. No compensation Expenses paid.

6. *And be it enacted*, That the trustees shall have authority to receive, by gift or to purchase, a tract or lot of land in a healthy location, with a sufficient supply of good water and of easy access from different parts of the State; and to erect suitable buildings thereon, the site of said land and the plans of said buildings to be first approved by the board of control. May procure site and erect buildings.

7. *And be it enacted*, That the said trustees shall be a corporation, by the name of "The Trustees of the New Jersey State Industrial School for Girls," for the purpose of taking and holding to themselves and their successors in trust, for the State, all lands or personal property given to them and purchased for the use of said school, and for the purposes of preserving, improving, using, applying, and investing the same, as may be necessary. Corporate title.

8. *And be it enacted*, That said trustees shall take charge of the general interests of the institution, see that its affairs are conducted in accordance with the requirements of the laws of the State and the by-laws, and that strict discipline Trustees, powers and duties of.

is maintained therein; provide employment and instruction for the inmates, and bind them out, discharge or remand them, as hereinafter provided; appoint a superintendent, matron, steward, teacher or teachers, and such other officers as, in their judgment, the wants of the institution may require; and prescribe their duties, exercise a vigilant supervision over the institution, its officers and inmates; remove such officers at pleasure, and appoint others in their stead, and determine the salaries to be paid to the officers; they shall make the by-laws and amend the same by the assent of four trustees at any regular meeting.

Management of institution and inmates.

9. *And be it enacted*, That the said trustees and lady managers shall cause the girls under their charge to be instructed in piety and morality, and in such branches of useful knowledge as may be adapted to their age and capacity; also, in some regular course of labor, either mechanical, manufacturing or horticultural, or a combination of these; and especially in such domestic and household labor and duties as shall be best suited to their age and strength, disposition and capacity, and in such other arts, trades, and employments as may seem to the trustees best adapted to preserve their health, secure their reformation, amendment, and future benefit; and in binding out the inmates, scrupulous regard shall be had to the moral and religious character of those to whom it is proposed to bind them.

Girls may be bound out.

10. *And be it enacted*, That the trustees of said school shall have power to bind out all girls committed to their charge for any term or time, until they shall have arrived at the age of eighteen years, as apprentices, such binding to be by indenture, signed by one of said trustees and the superintendent or matron, and in the same manner and under the same conditions as the president of the board of trustees of any poor house establishment in any county of this State is authorized to bind out poor children by the act entitled "An act for the settlement and relief of the poor," and the said trustees are hereby appointed guardians of each girl bound out, in the same manner and with the like power and authority, and under the same obligation of duty as said presidents of poor houses are, by the same act, invested with and directed to perform, and said indenture shall not be assigned without the previous consent, in writing, of said trustees, endorsed upon said indenture and signed by one of said

trustees and the superintendent; and it shall be the duty of the master or mistress to whom any such girl shall be bound to service, and he or she shall by the terms of the indenture be required, as often as once in every six months, to report to the trustees of said school the conduct and behavior of the said apprentice so bound to service, and whether she is still living under the care of the said master or mistress, and if not, where else she may be. Duty of persons to whom bound.

11. *And be it enacted*, That one or more of the trustees and one or more of the lady managers shall visit the school at least once in every month, at which time the rooms, clothing, food and work shall be inspected, the girls shall be examined in the school room and at labor, the register read and marked by the degree of merit and progress shown thereby; a record shall be kept of these visits in the books of the superintendent, and once in every three months the school, in all its departments—the rooms, furniture, and books of account—shall be thoroughly examined by at least two of the trustees, or lady managers, and a report thereof signed; the trustees shall also prepare an annual report of the condition of the institution, on or before the thirty-first day of October, in every year, which, together with a full report of the superintendent, and a list of the salaried officers and their salaries, with an inventory of the value of the personal property of the State in the buildings, and appertaining to said school, shall be laid before the governor, to be by him presented to the Legislature. Trustees and managers to visit school. To report annually.

12. *And be it enacted*, That the superintendent or matron, with such subordinate officers as the trustees may appoint, shall have the charge and custody of the girls; and shall discipline, govern, instruct, employ, and use their best endeavors to reform the inmates in such manner as, while preserving their health, will secure the formation, as far as possible, of moral, religious, and industrious habits, and regular, thorough progress and improvement in their studies, trades, and employments. Superintendent and matron, duties of.

13. *And be it enacted*, That said superintendent shall, before entering upon his duties, give a bond to the State, with sureties satisfactory to the governor, in the sum of two thousand dollars, conditioned that he shall faithfully perform his duties, and account for all moneys received by him, or which should be received by him as superintendent, which Shall give bond.

bond shall be filed in the office of the treasurer of the State; he shall have charge of all the property of the institution; he shall keep, in suitable books, complete accounts of all his receipts and expenditures, and of all property entrusted to him; showing the income and expenses of the institution and account, in such manner as the trustees may require for all money received and disbursed by him; his books and documents relating to the school shall at all times be open to the inspection of the trustees; he shall also keep a register containing the name, age, and circumstances connected with the early history of each girl, and shall add such facts as come to his knowledge relating to her history while at the institution and after leaving it.

Books of record and account to be kept.

14. *And be it enacted*, That it shall be the duty of the trustees to make out and send semi-annually to each of the justices of the supreme court, a statement, showing the capacity of the school, the number of pupils, and such other information as may guide said justices in making commitments, so that the school may not be crowded beyond its means of accommodation.

Statements to be made semi-annually.

15. *And be it enacted*, That the provisions of the act entitled "A supplement to the act entitled 'An act to establish and organize the State reform school for juvenile offenders,'" approved April sixth, one thousand eight hundred and sixty-seven, and of a further supplement, approved April second, one thousand eight hundred and sixty-eight as to the proper subjects for said reform school, the commitments of offenders, and vagrant, disorderly, or incorrigible children; the methods and forms of procedure; the discharge and dismissal of inmates; and all other provisions of said act, so far as the same may be applicable, shall be used and applied under this act; *provided*, that all commitment of girls to this institution, of whatever age when committed shall be, until they shall have arrived at the age of eighteen years, and not longer, unless sooner discharged as reformed or incorrigible, or in due course of law, or bound out by order of the trustees.

Act of 1867 extended to this institution.

Proviso.

16. *And be it enacted*, That in case any girl under the age of sixteen years shall have been sentenced after conviction in any county court to imprisonment in the jail thereof, or in the State prison, it shall be lawful for any justice of the supreme court, on complaint of any citizen, to institute a summary examination, and if he shall be satisfied that she

Justice of the supreme court may commit girls.

is a suitable subject for the industrial school, he may commit her thereto by warrant, as in other cases provided.

Counties shall pay board.

17. *And be it enacted*, That the county collector of any county from which any girl shall have been committed by a justice of the supreme court to the said industrial school, shall pay quarterly to the treasurer or superintendent of said school, on the order of the president or chairman of the board of trustees, at the rate of three dollars per week for the board, clothing and tuition of said pupil.

Twenty thousand dollars appropriated.

18. *And be it enacted*, That for the purpose of purchasing land and the erection of suitable buildings, or the purchase of land and buildings already erected, contemplated in this act, and for procuring the needful stock, implements, furniture, food and clothing, and for the payment of wages and incidental expenses, the sum of twenty thousand dollars is hereby appropriated, and the treasurer of the State is hereby directed to pay the same, upon lawful warrant, to the order of the board of trustees; the purchase of land and the erection of buildings shall be subject to the approval of the board of control.

Buildings may be rented.

19. *And be it enacted*, That if the trustees and lady managers shall deem it advisable to commence their care of the destitute girls who are the objects of this charity before permanent arrangements for the institution can be effected, they shall be empowered, with the consent of the board of control, to rent a suitable lot and buildings, for a term not exceeding three years, and to open the school therein; and for the purchase of furniture, food, clothing, &c., and for the payment of rent, salaries, and incidental expenses, the treasurer of the State is hereby directed to pay to the trustees, upon lawful warrant, the sum of five thousand dollars.

When to go into effect.

20. *And be it enacted*, That when the buildings and premises of the industrial school, authorized by this act, shall be prepared for the reception of pupils, the trustees shall, by resolution, inform the governor thereof, upon which he shall issue his proclamation of the fact, and the provisions of this act in relation to commitments shall not go into effect until such proclamation be issued.

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

Approved April 4, 1871.

CHAPTER CCCCXXX.

An Act to prevent the introduction of malignant and other infectious diseases into this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all vessels intending to go by the way of Raritan bay, or by the way of said bay and Raritan river, or Arthur Kull sound, to any port now in existence in this State, or to be hereafter in existence in this State, between the first day of March and the first day of December, in this or any other year hereafter, or at any time of the year that the board of health hereinafter mentioned shall designate by order, under their hands, from time to time, from any port, island or other place in America lying south of Georgia, or from any West India, Bahama or Bermuda island, or from any port or place where yellow or pestilential fever prevails, or on board of which vessel any person shall have been sick or died while at a foreign port, or on the homeward passage, or on board of which the health officer hereinafter mentioned shall have reason to believe that one or more persons are sick with small pox, or other contagious disease, or on board of which there are contained articles or things as part or all of the cargo, or any materials which may communicate small pox or other contagious disease (to ascertain which said vessel shall be subject to visitation and examination by the health officer at the place or places hereinafter mentioned), shall come to anchor at some place being to the southward of a straight line drawn from the south ferry wharf in Perth Amboy to the house on Staten Island, formerly of Caleb Ward, as well as southward and eastward of a straight line drawn from the said south ferry wharf to the most easterly wharf of South Amboy, and shall be subject to the visitation and examination of the health officer to be appointed as hereinafter mentioned, at such place of anchorage, or at such other place in the waters of Raritan bay lying westward of a line drawn from the light house at Princes bay to the mouth of Matavan creek, or in the waters of the remainder of Rari-

Vessel shall come to anchor.

Shall be visited by health officer.

tan bay to the main sea, lying south of the middle of said bay, or in the waters of the sound between Staten Island and New Jersey, south of Woodbridge creek, or in the waters of Raritan river, as the said health officer shall think proper, and shall be subject to such regulations as may be deemed expedient by him; and that any master or commander of a vessel offending in the premises shall be considered as guilty of a misdemeanor, and on conviction of the same shall be fined by any court having cognizance thereof, in a sum not exceeding one hundred dollars, or be imprisoned for a term not exceeding two months.

Who shall prescribe regulations.

Penalty.

2. *And be it enacted*, That all other vessels which come into that part of the waters of Raritan bay bounded on the westward by the said line drawn from the lighthouse at Princes bay to the mouth of Matavan creek; on the eastward by the main sea, and on the north by the middle of Raritan bay, between the first day of March and the first day of December, in this or any other year, or at any other time of the year that the said board of health shall designate by order, under their hands, from time to time, from any port, island or other place in America lying south of Georgia, or from any West India, Bahama or Bermuda island, or from any port or place where yellow or pestilential fever prevails, or on board of which vessel any person shall have been sick or died while at a foreign port, or on the homeward passage, or on board of which the health officer shall have reason to believe that one or more persons are sick with the small-pox or other contagious disease, or on board of which there are contained articles or things as part or all of the cargo, or any materials which may communicate small-pox, or other contagious disease, to ascertain which, said vessel shall be subject to visitation and examination by the health officer at the place or places in this section before mentioned, shall, on request of the master, owner or consignee thereof, be visited and examined by the said health officer, and thereupon shall come to anchor at such place in the waters of the State of New Jersey as may be ordered by the health officer, and shall be subject to such regulations as may be deemed expedient by him; and that any master or commander of a vessel offending in the premises shall be considered as guilty of a misdemeanor, and on conviction of the same shall be fined by any court having

Vessels may be visited by health officer on request of the master.

cognizance thereof, in a sum not exceeding one hundred dollars, or be imprisoned for a term not exceeding two months.

Penalty.

3. *And be it enacted*, That whenever a vessel so subject under the first or second section of this act, to the visitation and examination of the health officer, shall arrive at the anchoring places above mentioned, the master, owner or consignee of such vessel shall, if the health officer shall judge it necessary, forthwith cause such vessel to be unloaded, cleansed, ventilated and purified, and that until then no permit shall be granted for her to proceed nearer to the city of Perth Amboy, or other place in the State of New Jersey than the said places of anchorage; and every vessel so subject under the first or second section of this act, to the visitation and examination of the health officer, arriving between the first day of March and the first day of December, or at such other time as shall be designated as aforesaid by the board of health, may be detained at quarantine for any time not exceeding twenty days after her cargo shall have been discharged, and the said vessel thoroughly cleansed, ventilated and purified to the satisfaction of the health officer and the board of health; and that every master, owner or consignee neglecting or refusing to comply with the provisions herein contained, shall be guilty of a misdemeanor, and upon conviction of the same shall be fined in a sum not exceeding one hundred dollars, or imprisonment for a term not exceeding two months.

Vessel may be caused to be unloaded and cleansed.

May be detained.

Penalty.

4. *And be it enacted*, That the mayor and aldermen of the city of Perth Amboy, for the time being, shall, ex-officio, be members of a board of health, a majority of whom shall constitute a quorum, and they or a majority of them, or a majority of the quorum thereof, shall exercise all the powers herein given to the board of health, and shall have power to do and perform all such duties not devolving on the health officer by this act, as may be necessary to carry this act into effect, and the expense of any act or thing necessary to be done for the protection of the public health shall, in such case, be paid by any master, owner or consignee of the vessel the condition of which requires the doing of such act or thing, and shall have the power to appoint, by writing, under their hands and the corporate seal of the city of Perth Amboy, some fit person as health officer, or visiting physician, whose duty it shall be to visit at the place or places aforesaid, all vessels which are required to come to anchor

Board of health, who to constitute.

Powers of.

May appoint health officer. Duties of.

as aforesaid, or are subject under the first or second sections of this act to his visitation and examination as aforesaid, and in case one or more of the crew or passengers are sick, to report the same and the situation thereof to the board of health, and to grant permits to land passengers, baggage, crews and cargoes, or to discharge cargoes into lighters and release vessels from quarantine, and to grant bills of health, and to direct, at the expense of the master, owner or consignee of all such vessels subject under the first or second sections of this act to visitation and examination as aforesaid, the manner in which the same shall be cleansed, ventilated and purified, and when done, to certify the same to the board of health; and the said health officer shall be entitled to ask, demand and receive of and from the master, owner or consignee of all vessels aforesaid, the sum of ten dollars for the first visit to such vessels, and the further sum of five dollars for his report to said board of health, and the further sum of two dollars and fifty cents for his permit for the crews, passengers and baggage or cargo to leave the vessel and be put on land or into lighters, and the further sum of two dollars and fifty cents for every visit thereafter made at the request of such master, owner or consignee, or of the board of health, to inspect such vessel after she shall have been cleansed, ventilated and purified as aforesaid, or to attend any person sick on board, and the further sum of two dollars and fifty cents for every bill of health, when demanded by the master, owner or consignee, and the like sum to be paid by the person demanding it for a bill of health in any other case. Fees.

5. *And be it enacted*, That the said board of health or a majority thereof, or a majority of a quorum thereof shall upon the report of the health officer that it is proper to do so, grant a permit to any vessel to leave the said anchorage after she shall have been cleansed, ventilated, and purified, if the same be necessary to be done and has been done; and they, as well as the health officer, shall have power to forbid the intercourse with any vessel aforesaid having on board persons sick of a pestilential disease, or yellow fever, or being in a condition in which there is danger to the public health by such intercourse, and to prevent any of the crew or passengers of such vessel (except the captain or master of the vessel for the purpose of entry) from leaving the vessel; and every person offending in the premises shall be adjudged Permits to be granted.

Penalty.

guilty of a misdemeanor, and shall on conviction of the same in any court of competent jurisdiction, be fined in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding three months.

Fees.

6. *And be it enacted*, That it shall be lawful for the board of health to ask, demand, and receive from the master, owner, or consignee of any such vessel in respect of which the duties shall be performed by them the following fees, viz: for any meeting of the board to hear the report of the health officer in case of sickness on board as aforesaid, the sum of five dollars; for every permit for passengers and crews to leave the vessel granted by them after such report, the sum of three dollars; for release of the vessel after the final report of the health officer in case of sickness as aforesaid, the sum of two dollars and fifty cents, and fees to be divided between the members of the board acting in the premises.

How divided.

Health officer may appoint deputies.

7. *And be it enacted*, That the health officer is hereby authorized to appoint one or more deputies to act with him as well as in his stead, who shall continue in office at his pleasure, and be paid by the said health officer out of his fees hereinbefore provided for.

Repealer.

8. *And be it enacted*, That the act, entitled "An act to prevent the introduction of malignant and other infectious diseases into the city of Perth Amboy," passed the third of February, one thousand eight hundred and twelve be, and the same is hereby repealed, and that this act shall take effect immediately.

Approved April 4, 1871.

CHAPTER CCCCXXXI.

An act to provide for the revision and consolidation of the public statutes of this State.

Commissioners appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mercer Beasley, Cortlandt Parker, and David A. Depue, be and they are hereby appointed commissioners to revise, simplify, arrange and consolidate all the public acts of the Legislature of this State,

which are general and permanent in their nature, and which shall be in force at the time such commissioners shall make their final report; and that in the performance of such duty, they shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subject, ought, in their judgment, to be consolidated, arranging and distributing the same under such titles, chapters and sections, or other suitable divisions and subdivisions as they shall deem proper, with head notes briefly expressive of the matter contained in such divisions, and also with side notes, so drawn as to indicate the contents of the text, and with references to the original text from which each section shall have been compiled, and to the published decisions of the courts of this State, expounding or construing the same; and, in every other respect, they shall complete the said revision in such a manner as to them shall seem most useful and proper, to render the said acts more plain, concise and easy to be understood; *provided*, that no changes shall be made in the phrascology or distribution of the sections of any statute that has been the subject of judicial decision, by which the construction thereof, as established by such decision, shall or can be impaired or affected.

Duties of.

Proviso.

2. *And be it enacted*, That the said commissioners shall lay a printed copy of the public acts, so revised and consolidated by them, before the Legislature at its next session, that the same may be re-enacted, if the Legislature shall so determine; and, at the same time, they shall suggest to the Legislature such contradictions, omissions and imperfections as may appear in the original text of the said acts, and the mode in which they shall have reconciled, supplied and amended the same; and they may also designate such acts, or parts of acts, as, in their judgment, ought to be repealed, with their reasons for advising such repeal; and may also recommend the passage of such new acts, or parts of acts, as, in their judgment, may appear necessary or expedient, either in lieu of or in addition to any of the acts so revised and consolidated.

Shall report and suggest to the Legislature.

3. *And be it enacted*, That the said commissioners may cause their work to be printed in parts, so fast as it may be ready for the press, and distribute copies thereof to the members of the Legislature, and to such other persons, in limited numbers, as they may see proper, for the purpose of obtaining their suggestions.

Reports to be printed in parts.

When approved to be prepared for the press.

4. *And be it enacted*, That after the laws, so revised as aforesaid, shall have been submitted to and approved by the Legislature, the said commissioners shall prepare the same for the press, with the marginal references aforesaid, and such marginal notes as shall appear best calculated for the public information.

Chairman.

5. *And be it enacted*, That the said commissioners shall choose their chairman, and enter upon their duties as soon as practicable, and shall be paid, from time to time, by the treasurer of this State, a reasonable compensation and allowance for their services and expenses, including the expenses of clerical assistance, to be audited by the chancellor of this State.

Vacancy, how filled.

6. *And be it enacted*, That in case any of the said commissioners shall refuse to act, or shall die, resign, or remove from the State before the completion of the duties assigned to the said commissioners, it shall be the duty of the governor, or person administering the government, to appoint a suitable person or persons of this State, learned in the law, to fill the vacancy thereby occasioned.

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

Approved April 4, 1871.

CHAPTER CCCCXXXII.

A Further Supplement to an act entitled "An act for the organization of the National Guard of the State of New Jersey."

Commandants of brigades, powers of.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commandants of brigades are hereby empowered to convene general courts martial (when in their opinion the same may be found to be necessary) for the trial of offenders in their respective brigades.

Transportation to be provided

2. *And be it enacted*, That whenever a brigade is ordered to parade, as requested by law, transportation for the same shall be provided by the quarter-master general, upon requisition being made therefor by the brigade quarter-master.

3. *And be it enacted*, That the number of commissioned officers and enlisted men in light batteries, shall not exceed one hundred and fifty, nor be less than fifty, and that there shall be one captain, two first lieutenants, two second lieutenants, six sergeants, eight corporals and two musicians to each such battery. Batteries, number of men and officers

4. *And be it enacted*, That the annual appropriation of five hundred dollars to each light battery, be increased to one thousand dollars. Appropriation increased.

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

Approved April 4, 1871.

CHAPTER CCCCXXXIX.

An Act relative to the payment of the expenses in the matter of escheat.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenses of conducting the proceedings in the matter of the escheat of lands, late of John Roach, deceased, to the State of New Jersey, as reported by the treasurer of said State, be and the same are hereby approved. Expenses approved.

2. *And be it enacted*, That the sum of thirty-three dollars and sixty cents be paid by the treasurer of this State to William P. Tatem, former sheriff of Camden county, for his expenses incurred in the above case in the year one thousand eight hundred and fifty-six. Bill to be paid.

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

Approved April 4, 1871.

New Jersey State Library

CHAPTER CCCCXL.

An act in relation to the expenditure of public money by municipal corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the board of chosen freeholders, or the township committee, or common council, or commissioners of any county, city, township, town or borough in this State to pay or disburse out of any of the moneys of the said county, city, or town, or township, or borough, to any person, unless the person claiming or receiving said moneys shall first present to the party or parties paying any such moneys, a detailed bill of items or demand, specifying particularly how such bill or demand is made up, and the dates and the names of the persons to whom the amounts composing such bill or demand were severally paid, with the affidavit of the party claiming payment of said bill or demand that the same is correct, that any disbursing officer is authorized to take said affidavit without cost.

Bill of items shall be presented under oath.

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

Approved April 4, 1871.

CHAPTER CCCCLXXXV.

A Supplement to "An act respecting the Circuit Courts in the several counties of this State."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the judge of the circuit court in the several counties of this State, whenever in his discretion it shall seem proper, to employ a

competent stenographic reporter, whose duty it shall be to attend all trials held in said circuit court and in the court of oyer and terminer, and exactly and truly take notes, and record verbatim all the evidence and proceedings whatsoever under the direction of said judge, except the arguments of counsel upon such trials, and when requested, make and furnish true reports thereof to the said judge, and to each party in such cause. Stenographic reporter may be employed.

2. *And be it enacted*, That the compensation of such reporter shall not exceed ten dollars per day, which sum shall be paid by the board of chosen freeholders of said county, on certificate of said judge as to the number of days upon which he shall be employed; *provided*, that said reporter shall, for reports of evidence and other proceedings by him furnished, be paid by the party in such cause requesting the same, at the rate not to exceed ten cents for one hundred words; *provided further*, that said reports shall be furnished within one day after request is made; *provided also*, that said reporter shall be duly sworn in open court, faithfully to perform all the duties required by this act; and such reporter shall be removable, and other appointments made from time to time by the judge of said court at his discretion. Compensation, how paid. Provisos.

3. *And be it enacted*, That towards defraying the expense of the county under this act, a fee of one dollar shall be paid to the clerk of said county, by the party noticing any trial in the circuit court, at every term the same shall be noticed, which fee shall be included in the taxed bill of costs, and be recoverable as other costs in said suit, and the clerk of such county shall pay such fees at the end of every term to the county collector of said county. Fees to be paid.

4. *And be it enacted*, That all special acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 5, 1871.

CHAPTER DXXVII.

An act to make free the Public Schools of the State, and supplemental to the act entitled "An act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually on the inhabitants of this State, and upon the taxable real and personal property therein, as exhibited by the last abstracts of ratables from the several counties, made out by the several boards of assessors, and filed in the office of the comptroller of the treasury, a State school tax of two mills on each dollar of the valuation contained in said abstracts, which tax shall be assessed, levied and collected at the same time and in the same manner in which other State taxes are assessed, levied and collected, and shall be in lieu of all township school taxes imposed by the act to which this is a supplement; but if the moneys received by any township from the tax imposed by this act shall not be sufficient to maintain free schools for at least nine months in each year, then the inhabitants thereof shall raise, by township tax, such additional amount as they may need for that purpose in the same manner as such taxes have heretofore been raised; and if the inhabitants of any township, at their annual town meeting, shall not provide for the raising of such necessary additional amount, then the county superintendent of the county wherein such township is situated shall, unless the state board of education shall, for good cause shown, otherwise direct, shall withhold from such township all that part of the State appropriation derived from the revenue of this State, and shall apportion and distribute the same among such of the townships in said county as shall have complied with the requirements of this act.

State tax imposed.

Additional amount may be raised by townships.

State appropriation may be withheld.

2. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax, and at the

Comptroller shall apportion.

rate aforesaid, among the several counties in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the abstracts respectively, as aforesaid; and it shall be his further duty to transmit, on or before the first day of May of each year, to the county collector of each county, a statement of the amount of said tax apportioned to said county, and said county collector shall lay said statement before the board of assessors of the townships and wards within his county at their next annual meeting, to apportion the taxes among said townships and wards, and said assessors shall thereupon proceed to apportion said school taxes as other taxes are apportioned, and to assess the same according to law.

And transmit statement.

Assessors, duty of.

3. *And be it enacted*, That it shall be the duty of the county collectors of the several counties of this State to pay to the treasurer of this State the quotas due from their respective counties of the taxes imposed by this act on or before the first day of January, annually, next ensuing the assessment thereof.

County collector duty of.

4. *And be it enacted*, That it shall be the duty of the state superintendent of public instruction, under the direction of the trustees of the school fund, on or before the first day of January of each and every year, to apportion the moneys received from the tax imposed by this act, among the several counties of this State, in proportion to the number of children included in the last published school census of the said counties respectively; *provided*, that all the children residing in fractional districts, situated in two or more adjoining counties, shall be included in the census of that county in which the fraction containing the school house is situated; and it shall be his further duty, on or before the tenth day of January of each and every year, to draw orders on the comptroller of the treasury, and in favor of the county collectors, for the payment of the money thus apportioned, and the said county collectors shall apply for and be entitled to receive the moneys thus apportioned as soon as the orders for the same are received; *and provided further*, that no portion of said moneys shall be apportioned to or be used for the support of sectarian schools.

State superintendent, duty of.

Proviso.

Proviso.

5. *And be it enacted*, That it shall be the duty of the county superintendent of each county to apportion to the several townships of his county, and to the towns and cities therein, not included in said townships, and also to the

County superintendent, duty of.

several school districts, the State school money, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes, upon the basis of the last published school census ;

Proviso. *provided*, that all the children residing in fractional districts situated in two or more adjoining townships, shall be included in the census of that township in which the fraction

Proviso. containing the school house is situated; *and provided also*, that no districts, except those which have less than forty-five children, shall receive less than three hundred and fifty dollars; and it shall be his further duty, on or before the tenth day of February of each and every year, to draw orders on the county collector, and in favor of the township collectors and city treasurers of his county, for the payment of said moneys so apportioned, and said collectors and treasurers shall apply for and be entitled to receive the same as soon as such orders are received.

Fractional districts. 6. *And be it enacted*, That all school moneys belonging to fractional districts shall be held, subject to the order of the trustees, by the collector of that township in which the fraction containing the school house is situated.

Districts may impose taxes. 7. *And be it enacted*, That in addition to the tax imposed by this act, each city and school district may raise by tax such other sums of money as they may need for school purposes, in accordance with the authority granted them by the act to which this is a supplement, or by any special act ap-

Proviso. plicable to such city school district: *provided*, that whenever any district school meeting shall be held, pursuant to the provisions of section eighty of the act to which this is a supplement, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of said act, it shall not be lawful for such meeting to order a greater sum of money to be raised by district tax than shall have been mentioned and designated in the notice of such meeting set

Proviso. up in the manner required by law; *and provided further*, that whenever in the judgment of the trustees of any district it shall not be necessary to levy a district tax for school purposes, the district clerk thereof shall not set up the notices directed to be given in said section eighty of the act to which this is a supplement.

School districts. 8. *And be it enacted*, That no school district shall hereafter be formed which shall contain less than seventy-five children, between five and eighteen years of age; and that

after the passage of this act each incorporated city or town shall constitute but one school district for all school purposes, and that such consolidated district shall hold all the property, and be liable for all the lawful debts of the district so consolidated.

No tuition fees to be charged.

9. *And be it enacted*, That after the expiration of the present school year it shall not be lawful to charge tuition fees for the support of public schools in this State, but that all such schools shall be free to all persons over five and under eighteen years of age residing within the district, so long as such schools can be thus maintained with the public school funds.

Money, how expended.

10. *And be it enacted*, That not more than twenty dollars annually, of the school moneys received by any school district, except such as may be raised within the district, shall be used for any other purpose than the payment of teachers' salaries, and for purchasing fuel.

District may forfeit.

11. *And be it enacted*, That in case any school district or city shall use any of the school money apportioned to it for any other than public school purposes, such district or city shall forfeit out of the next annual apportionment a sum equal to twice the amount thus used; and it shall be the duty of the county superintendent to re-apportion the money thus forfeited among the other districts and cities of his county; *provided*, the State superintendent may remit such penalty for cause.

Proviso.

District clerks, reports of.

12. *And be it enacted*, That in case of the failure of any district clerk or city superintendent to send his annual report to the county superintendent of his county in the form prescribed, on or before the first of September, such county superintendent shall make up his report for such district or city from the last published report of the State superintendent; in making up such report however, he shall deduct one-fifth from the school census; *provided, however*, that all such cases of delay or negligence shall be reported to the State superintendent of public instruction, whose duty it shall be to investigate the same, and to restore the number deducted from the school census in all cases, when he receives satisfactory reasons for such delay or negligence.

Proviso.

County superintendent may administer oaths.

13. *And be it enacted*, That the county superintendent shall have power to administer all necessary oaths or affirma-

tions to district clerks and other school officers, for which he shall receive no compensation.

Repealer.

14. *And be it enacted*, That section seventy-six, together with such other parts of the act to which this is a supplement, and all other acts or parts of acts, as are in conflict with the provisions of this act, be and the same are hereby repealed.

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

Approved April 6, 1871.

CHAPTER DXXX.

An act to increase the School Fund of this State.

Riparian funds appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all moneys hereafter received from the sales and rentals of the land under water, belonging to this State, shall be paid over to the trustees of the school fund, and appropriated for the support of free public schools, and shall be held by them in trust for that purpose, and shall be invested by the treasurer of the State, under their direction, in the same manner as the funds now held by them are invested; the same to constitute a part of the permanent school fund of the State, and the interest thereof to be applied to the support of public schools, in the mode which now is, or hereafter may be, directed by law, and to no other use or purpose whatever.

Repealer.

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

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

Passed April 6, 1871.

CHAPTER DXXXIX.

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

An assessment of one mill on a dollar to be made.

Proceeds of tax, how appropriated.

Surplus, how disposed of.

How levied, assessed and collected.

except as in and by this act is otherwise ordered and directed.

Comptroller shall apportion.

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

And transmit statement to county collector.

Previous acts applied.

3. *And be it enacted*, That the provisions of the act entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said further supplement was approved April first, one thousand eight hundred and sixty-nine, shall be and the same are hereby held to apply and be in force so far as they do not conflict with the provisions of this act.

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

Approved April 6, 1871.

CHAPTER DXLV.

An Act for the better preservation of the early records of the State of New Jersey.

Library commissioners to have work done.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state library be and are hereby authorized to print by contract to be awarded to the lowest bidder, and distribute to the different state libraries of the United States, and to such other public libraries as they shall name, the three manu-

scripts now in the state library, containing the minutes of the colonial and revolutionary history of this State.

Expense to be paid.

2. *And be it enacted*, That the comptroller is hereby authorized to draw his warrant upon the state treasurer for the necessary sum required for the same, upon the order of the commissioners of the state library.

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

Approved April 6, 1871.

CHAPTER DLI.

A Supplement to the act, entitled "An act to regulate fees."

Counties to pay expenses in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any sheriff, coroner, constable or special deputy shall receive any bench warrant, State warrant, copies ad testificandum, or other compulsory process whatever, issued by any court of record or justice of the peace of this State, and to execute the same it shall become necessary for such officer to go beyond the limits of his county, the said officer shall receive from the county collector of said county in which said process is issued, his traveling and other expenses necessarily incurred in such service, whether he shall be able to execute the same or not; *provided*, a particular statement of said expenses shall be made out and sworn to by said officer, and the same certified to as reasonable and just by the prosecutor of the pleas and the presiding judge of the court of oyer and terminer of the county from which said process issued.

Proviso.

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

Approved April 6, 1871.

CHAPTER DLII.

A Supplement to an act, entitled "An act respecting the orphans' court, and the power and authority of surrogates," approved April sixteenth, 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 powers and duties formerly exercised and performed by the ordinary, relative to the admission of guardians for persons, shall hereafter, during the time that the orphans' court of the county in which application for the appointment of a guardian is required by law to be made is not in session, be exercised and performed by the surrogate of said county, subject to an appeal to the prerogative court, and the letters of guardianship shall be issued by the said surrogate, which letters shall be in the following form:

Duties may be performed by surrogate.

Blank form.

I, , surrogate of the county of , do hereby certify that on the day of the orphans' court of said county not being in session, I admitted of as guardian of the of being a : witness my hand and seal, and so forth;

Proviso.

provided, that nothing in this act shall be construed to prevent the ordinary, in person, from granting letters of guardianship from the prerogative office, in cases where a convenience will arise from doing the same.

Fees.

2. *And be it enacted*, That the said surrogate shall, for such services, be entitled to have and receive the same fees as are allowed by law,

Acts amended.

3. *And be it enacted*, That section second of the act entitled "Supplement to an act entitled 'An act respecting the orphans' court, and the power and authority of surrogates,'" approved April sixteenth, one thousand eight hundred and forty-six, which said supplement was approved February twenty-first, one thousand eight hundred and seventy-one, be amended by inserting after the word "guardians" whenever it occurs in said section, the word "assignees," and by in-

serting after the word "partitions" the words "sales of land and acceptances, revocations."

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

Approved April 6, 1871.

CHAPTER DLVI.

An Act to encourage the formation of libraries in the free public schools of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the treasurer of the State, upon the order of the State superintendent of education, is hereby authorized and directed to pay over the sum of twenty dollars out of any money that may be in the public treasury to every school district, which shall raise by subscription a like sum for the same purpose, to establish within such district a school library, and to procure philosophical and chemical apparatus, and the further sum of ten dollars annually, upon a like order, to the said districts, upon condition that they shall have raised by subscription a like sum for such year, for the purposes aforesaid. Appropriation made conditional.

2. *And be it enacted*, That the selection of books and apparatus shall be approved by the school trustees of such district.

3. *And be it enacted*, That the school trustees of each district shall make proper rules and regulations for the management, use, and safe keeping of such libraries. Trustees to make rules.

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

Approved April 6, 1871.

CHAPTER DLXIII.

An Act relative to the Prerogative Court and to Orphans' Courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any person against whom any citation or other process for appearance in any suit, matter or proceeding in the prerogative court or any of the orphans' courts of this State shall issue, resides out of the State, or cannot be found in the State, to be served with such process, and a copy of such citation or process shall be served on such person, either personally or by leaving the same at his dwelling house, thirty days before the return of such citation or process, such service shall have the same effect as if the same had been legally served in this State.

Citation, how served.

2. *And be it enacted*, That when it shall appear to the satisfaction of any such court that the person against whom such citation or other process has been issued resides out of this State or cannot be found therein to be served therein, said court may by order direct such absent defendant to appear in such suit, matter or proceeding at a certain time not less than sixty days from the date of said order, or that such proceeding will be had against said absent defendant, as if he had appeared in said suit or proceeding; and notice of such order shall be served and published in the same manner as like notices are required to be served and published in proceedings against absent defendants in the court of chancery by law and the rules of that court; and if such absent defendant shall not appear and cause his appearance to be entered in said court at or before the time mentioned in such order, he shall be proceeded against in the same manner as if he had appeared.

Court may order absent defendant to appear.

Notice of order, how served and published.

3. *And be it enacted*, That the determination of any of said courts upon proofs that such person against whom process shall be issued resides out of the State or cannot be found therein, or that he has been served with a copy of such process, or that the notice of the order to appear has been served or published as required by law, shall be sufficient

Determination of court to be evidence.

evidence and in collateral proceedings conclusive evidence of the fact so determined.

Ordinary to make rules.

4. *And be it enacted*, That it shall be the duty of the ordinary, from time to time, to make rules and orders to regulate the proceedings and practice in the prerogative court and in the orphans' courts and he shall have full power to change and regulate such proceedings and practice.

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

Approved April 6, 1871.

CHAPTER DLXVI.

An act making it a criminal offence to manufacture or sell, or import already manufactured for sale, any adulterated or spurious liquors in the State of New Jersey.

Penalty for manufacturing, importing and vending adulterated liquors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall manufacture or import already manufactured, or barter or sell, or keep in his possession for barter or sale any rum, brandy, wine or spirits of any kind, or any other liquid of which distilled spirits shall form a component part, to be used as a beverage, that shall be adulterated or manufactured with spurious or poisonous ingredients of any description, the person or persons so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding two years, or both, at the discretion of the court.

Penalty for making or vending adulterated malt liquors.

2. *And be it enacted*, That if any person or persons shall adulterate, mix, compound, or poison any malt liquors, with intent to barter or sell the same, or to mix, compound, or poison any malt, or vinous or spirituous liquors, the one with the other, or in any way whatever, or give, barter, or sell the same, with intent to make greater profit, or with intent to produce intoxication or stupefaction, every person or persons so offending shall be adjudged guilty of a misde-

meanor, and on conviction shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.

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

Approved April 6, 1871.

CHAPTER DLXX.

A Further Supplement to the act entitled "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-eight.

Election districts to be created in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever and as soon as any borough, town corporate, or township shall be found to contain more than eight hundred legal voters, it shall be the duty of the corporate authorities of such borough or town corporate, and of the township committee of such township, to divide the same into convenient election districts, in the manner provided for by an act entitled "A supplement to an act entitled 'An act to regulate elections,'" approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved April twenty-second, eighteen hundred and sixty-eight.

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

Approved April 6, 1871.

CHAPTER DLXXV.

An Act to authorize the sale of lands held in trust in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by any last will heretofore made and proved, or that shall hereafter be made, any lands or real estate given to a devisee or devisees, in trust, with power to sell and convey the same upon the expiration of some period of time, or upon the happening of some event in such will named, shall become chargeable with or liable to taxes and assessments, for the payment whereof no adequate provision is made in such will or afforded by the estate of the testator, and such lands or real estate shall be liable to be sold for such taxes or assessments by virtue of any laws of this State, whereby the interests of the cestui que trusts, or any of them, may be injured or impaired; it shall be lawful for the court of chancery of this State, upon application of the trustee or trustees, or of any cestui que trust in such will named, and upon consideration of the circumstances of the case, to decree the sale and conveyance of such lands or real estate, or any part thereof, by such trustee or trustees; and whenever such decree shall be made, the said trustee or trustees may sell and convey said lands or real estate as fully and effectually, to all intents and purposes, as could be done if the time limited in said will had expired, or the event therein named had happened; the proceeds of such sale, after payment of such taxes and assessments, shall be held by said trustee or trustees, subject to the provisions of such will, in such manner as the court of chancery may direct.

Decree of sale may be made in certain cases.

Proceeds of sale how to be applied.

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

Approved April 6, 1871.

CHAPTER DLXXVI.

Supplement to an act entitled "An act respecting the recording of judgments in the courts of common law," passed March seventh, one thousand eight hundred and thirty-two.

Assignment of judgments to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the supreme court of this State, and the clerks of the several counties of this State, are hereby authorized and directed to record, in suitable books to be provided for that purpose, properly indexed, any assignment of any judgment recovered or docketed in said supreme court, or in the courts of record of the several counties respectively, the same being in writing with the execution thereof, proved or acknowledged as the execution of deeds is or shall be required to be proved to authorize the same to be recorded; and such recording shall be notice, from the time such assignment is left for that purpose, to all persons concerned, that said judgment is so assigned; *provided always*, that any sheriff, or other officer who has an execution placed in his hands, upon any judgment by the owner or owners of such judgment at that time, shall not be liable to the assignee of such judgment, without actual notice of such assignment, unless he fail to return such execution to the term to which it is returnable.

Record to be notice.

Proviso.

Certified copies to be evidence.

2. *And be it enacted*, That the records and certified copies of such assignment shall be evidence in the same manner and in like cases as the record of deeds; and it shall be lawful for the assignee of any judgment so assigned of record, to receive satisfaction of the same, and to authorize and empower the clerk of the court in which such judgment was rendered, to enter an acknowledgement of satisfaction upon the record of such judgment, or to enter such satisfaction, himself, in the same manner as the party, in whose favor such judgment was obtained, or his attorney, might do before this act was passed.

3. *And be it enacted*, That the clerk of the supreme

court, and the clerk of the several counties, shall be entitled to a fee of fifty cents for recording and indexing each assignment, and the proof or acknowledgement thereof, under this act. Fees.

Approved April 6, 1871.

CHAPTER DLXXVIII.

A Further Supplement to the act entitled "An act to prevent gaming," passed February eighth, one thousand seven hundred and ninety-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all wagers, bets or stakes, made to depend upon any race, or upon any gaming by lot or chance, or upon any lot, chance casualty or unknown or contingent event whatever, shall be unlawful; and all contracts for or on account of any money or property, or thing in action so wagered, bet or staked, shall be void. Wagers unlawful.

2. *And be it enacted*, That any person who shall pay, deliver or deposit any money, property or thing in action, upon the event of any wager or bet herein prohibited, may sue for and recover the same of the winner or person to whom the same shall be paid or delivered, and of the stakeholder or other person in whose hands shall be deposited any such wager, bet or stake, or any part thereof, whether the same shall have been paid over by such stakeholder or not, and whether any such wager be lost or not. If paid, stakes may be sued for.

3. *And be it enacted*, That nothing herein contained shall be construed to prohibit insurances made in good faith for the security or indemnity of the party insured to the amount of such party's interest in the sum insured, and which are not otherwise prohibited by law, nor to any contract on bottomry or respondentia. Exceptions.

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

Approved April 6, 1871.

CHAPTER DLXXIX.

A Supplement to the act entitled "An act concerning roads," approved April sixteenth, one thousand eight hundred and forty-six.

Roads may be four rods wide.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any public road or highway which shall hereafter be laid out under the provisions of the act to which this is a supplement, may be more than four rods wide; *provided*, in such case the width desired shall be stated in the required notices and application for such public road or highway.

Proviso.

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

Approved April 6, 1871.

CHAPTER DLXXXIX.

An act giving the consent of the State of New Jersey to the erection of defenses at Finn's Point, New Jersey.

Consent given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the State be and the same is hereby given to the erection of defenses on Finn's Point by the United States; the consent herein and hereby given being as provided in the sixteenth clause of the eighth section of the first article of the constitution of the United States, and in the acts of Congress in such case made as provided.

Approved April 6, 1871.

CHAPTER DXC.

A Further Supplement to the act entitled "An act relative to Juries and Verdicts," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the trial of any cause or indictment in any court of this State, for which a struck jury shall be summoned and returned, the same peremptory challenges shall be allowed as in other cases. Struck jury, peremptory challenges.

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

Approved April 6, 1871.

CHAPTER DXCVII.

A Further Supplement to the act entitled "An act concerning fees and costs," approved March fourteenth, one thousand eight hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the sergeant-at-arms of the court of chancery and of the supreme court and court of errors, shall receive and be paid the sum of three dollars for each day he shall attend either of said courts. To receive thre dollars a day.

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

Approved April 6, 1871.

CHAPTER DXCVIII.

A Further Supplement to an act entitled "An act respecting the court of chancery," approved April sixteenth, one thousand eight hundred and forty-six.

Clerk to arrange papers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery be directed to arrange, label and docket the pleadings and other papers filed in the office of the clerk of the court of chancery, in their separate and proper causes, and in chronological order, for easy reference and preservation, and for that purpose he is hereby authorized to provide such books, conveniences and accommodations as may be necessary, and also to employ one or more persons, at such compensation as the chancellor may approve, and said compensation and expenses shall be paid by the treasurer upon the warrant of the comptroller; and this act shall take effect immediately.

Expense to be paid.

Approved April 6, 1871.

CHAPTER DXCIX.

An Act making an appropriation for the repairing of the Surveyor General's office of the Western Division of New Jersey.

Preamble.

WHEREAS, the building now occupied by the surveyor general of the western division of New Jersey contains many important title, and other valuable papers connected with the early settlement and location of lands in this State; AND WHEREAS, it is vitally important to keep and preserve the same; AND WHEREAS, the said building needs repairing to make it a safe and proper place for the purposes designated; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two hundred dollars be, and the same is hereby appropriated for the purposes set forth in the preamble of this bill, and that the treasurer of this State, be and is hereby authorized and required to pay to the said surveyor general the aforesaid sum of two hundred dollars out of any moneys of the State not otherwise appropriated. Two hundred dollars appropriated.

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

Approved April 6, 1871.

CHAPTER DC.

An Act authorizing the Secretary of State to procure a fire and burglar-proof safe.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state be and hereby is authorized to procure a suitable fire and burglar-proof safe, for the preservation of valuable papers in his custody belonging to the State, and that the expense thereof be paid by the treasurer on the warrant of the comptroller. Authorized to purchase safe.

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

Approved April 6, 1871.

CHAPTER DCV.

An act relative to the Riparian Commission.

WHEREAS, applications are frequently made to said commission for grants and leases of lands which were heretofore, but are not now under tide water, and it is desirable to quiet the possession of those who so apply, but doubts Preamble.

have arisen whether such cases are now provided for by law; and it has been found by experience that grants and leases containing the grants and covenants authorized by the fourth section of the act, approved March thirty-first, one thousand eight hundred and sixty-nine, entitled "Supplement to an act entitled 'An act to ascertain the rights of the State, and of Riparian Owners, in the lands lying under waters of the bay of New York, and elsewhere in the State.'" approved April eleventh, one thousand eight hundred and sixty four, and the joint resolution of one thousand eight hundred and seventy are more readily accepted, and are more satisfactory, than those which do not contain the same;

Lands may be leased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners with the concurrence of the governor and attorney general, in all cases of application for grants or leases of land now, or at the time of the application, or at the time of the lease or grant, under tide water; and in all cases of application for grants or leases of lands which are not now, or shall not at the time of the application, or at the time of the lease or grant be under tide water, and in all cases of applications for leases or grants for all or any of such lands may, notwithstanding the first proviso in the fourth section of said supplement, or any other clause or matter in said supplement contained, grant or lease, or lease first with a covenant to grant, and grant afterwards, for such principal sum that

Conditions.

the interest thereof at seven per centum will produce the rental, such lands, or any part thereof lying between what was, at any time heretofore, the original high water line and the exterior lines established or to be established, and grant or lease in all cases in which, in their discretion, they shall think such grant or lease should be made, such rights, privileges and franchises as they are authorized to grant in cases coming directly within the said fourth section, and enter into the same covenants, in the name of the State, in all cases of grants or leases where they deem such covenants proper, as are authorized in grants or leases under said fourth section, and insert such other covenants, clauses and conditions in said grants or leases as they shall think proper to require from the grantee or lessee, or ought to be made

Proviso.

by the State; *provided*, that nothing herein contained shall authorize grants or leases in front of a riparian owner to

any other than such riparian owner, except upon the proceedings and conditions in said supplement provided; *and provided also*, that the applications for grants or leases, and the certificates of said commissioners, governor and attorney general, may in the cases hereby provided for, vary from the provisions of the said supplement in such manner as to conform to this act, and any party who has already asked for or accepted a lease or conveyance may apply for and have the benefits of this act, notwithstanding such former application or former acceptance of a lease or conveyance. Proviso.

2. *And be it enacted*, That each commissioner shall receive ($1500) fifteen hundred dollars per annum. Salary of commissioners.

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

Approved April 6, 1871.

CHAPTER DCVII.

A Supplement to "An act to prevent the taking of unlawful toll or fare on canals and railways," passed March 12, 1839.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "An act to amend an act entitled 'An act to prevent the taking of unlawful toll or fare on canals and railways,'" passed March twelfth, eighteen hundred and thirty-nine, which said amendatory act was approved March 17th, 1870, be and the same is hereby repealed. Act of 1839 repealed.

2. *And be it enacted*, That the act entitled "An act to prevent the taking of unlawful toll or fare on canals and railways," passed March 12th, 1839, be and the same is hereby, from the passage of this act, revived and declared to be in full force and effect, except that the penalty shall hereafter be recovered in the name of and for the use of the State, and be placed in the school fund. Act of 1839 revived. Exception

Suits now pending, how decided

3. *And be it enacted*, That all penal suits now pending in any of the courts of this State, whether brought under said act of March 12th, 1839, or under said act of March 17th, 1870, shall each of them be decided according to the law as it stood at the time said penal suits were commenced, and no subsequent legislation shall affect said pending suits; no penalty shall be recovered or any forfeiture allowed under either of said acts of March 12th, 1839, or March 17, 1870, for any offence committed or violation thereof prior to the passage of this act, except in suits now pending in the courts of this State.

No penalty except in pending suits.

Repealer.

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

Approved April 6, 1871.

CHAPTER DCVIII.

A Further Supplement to an act entitled "An act constituting Courts for the trial of small causes."

Fees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following and no other fees shall be allowed for the services as hereinafter mentioned, viz:

For issuing a summons or warrant,	twenty-five cents,
For issuing a subpœna,	ten cents,
For entering each suit,	twenty cents,
For each recognizance in civil suits,	thirty-five cents,
For each copy of summons,	ten cents,
For entering every non-suit or discontinuance,	twenty cents,
For recording the return on each summons,	ten cents,
For issuing a venire facias and recording return of same,	thirty-five cents,
For administering every oath or affirmation on trial,	ten cents,

For swearing a jury, thirty-five cents,
For entry of every verdict, ten cents,
For entering every judgment, twenty cents,
For entering every rule of reference, fifty cents,
For every copy thereof, twenty-five cents,
For issuing every execution, thirty-five cents,
For recording the return of every execution, fifteen cents,
For drawing, signing and sealing return to certiorari, one dollar,
For copy of proceedings, or any paper, or examination in any case, where demanded, per folio, fifteen cents,
For transcript of judgment, fifty cents,
For entering suit without process, fifty cents,
For filing every paper required to be filed, ten cents,
For issuing commission to take deposition, one dollar and fifty cents,
For entering on docket a full bill of particulars of costs in each case, fifteen cents,
For issuing a writ of attachment, forty cents,
For recording return of attachment, twenty cents,
For drawing every affidavit in civil suits, per folio. fifteen cents,
For taking every affidavit, twenty-five cents,
For every adjournment, twenty cents,
For the trial of every cause when contested, fifty cents,
For hearing every cause when not contested, twenty-five cents,
For hearing the application for, and granting an appeal, and recording the same and delivering the papers to the clerk of the court of common pleas, fifty cents,
For recording a description of each paper offered in evidence, seven cents,
For making an order for issuing a warrant or execution in pursuance of the act entitled "An act respecting imprisonment in case of fraud," and in cases of trespass or trovers, or other action founded upon tort, fifty cents,
For every bond of security directed by law to be taken and approved by the justice, fifty cents,
For a summons against a garnishee, thirty cents,
For taking depositions under the seventy-ninth section of the act to which this is a supplement, per folio, fifteen cents,
For hearing motion to quash an attachment, fifty cents,

New Jersey State Library

In all cases of desertion and bastardy, the same fees shall be allowed as for like services rendered in civil cases,
For making an order for bastardy, one dollar,
For all other services not herein enumerated, fees the same as now allowed by law.

Constables' fees.

CONSTABLES' FEES.

For serving every summons, sixty cents,
For serving every additional summons, thirty cents,
For serving warrant in civil cases, seventy-five cents,
For serving every scire facias, sixty cents,
For serving every subpœna, thirty-five cents,
For serving a venire for a jury of twelve men, one dollar,
For serving venire for a jury of six men, fifty cents,
For attending upon a jury, fifty cents,
For serving an execution, seventy-five cents.
For advertising property under execution, thirty-five cents,
For selling property under execution, fifty cents,
For every dollar collected on an execution, three cents,
For every copy of an execution filed with the jailor, twenty-five cents,
For every mile of travel in serving an attachment or any summons or warrant, issued by a justice or justices of the peace, after the first mile, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where such process is issued and returnable (except in militia and tax collections), three cents,
For serving writ of attachment, ninety cents,
For serving warrant of ejectment under landlord and tenant act, one dollar and fifty cents.

JURORS' FEES.

For all cases tried, twenty-five cents to each,
When summoned to attend and cause not tried, fifteen cents to each.

2. *And be it enacted*, That the following and no other fees shall be allowed to justices of the peace and constables in this State; to justices and constables in criminal cases, and that no fees be demanded from parties applying to justices or constables for their services, but shall be paid out of

the funds of the county in which such services were rendered; *provided*, the presiding judge of the court of oyer and terminer shall approve of such payment:

JUSTICES' FEES. Justices' fees.

For drawing complaint and taking affidavit when not exceeding one sheet or folio, thirty-five cents; and for all in excess of one folio, at the rate of fifteen cents per folio,
For issuing every warrant, forty cents,
For drawing conviction, forty cents,
For commitment, forty cents,
For each recognizance, forty cents,
For warrant to jailors to discharge prisoners, forty cents,
For issuing every subpœna, ten cents,
For taking examination in writing when required by law, fifteen cents per folio,
For examination in a case where not required to be taken in writing, fifty cents,
For swearing each witness, ten cents,
For making and certifying bill of items of costs in each case, fifteen cents,
For drawing, certifying and sending to the judge of the circuit court, a copy of complaint and commitment, in a case where a boy under fourteen years of age is charged with crime, and he is considered a fit subject to be sent to the State reform school, one dollar,
In cases arising under the act for suppressing vice and immorality, justices and constables shall be entitled to the same fees for like services as in other criminal cases,
For a trial before two justices under the supplements to the act entitled "An act to describe, apprehend and punish disorderly persons, one dollar and fifty cents,
For making every decree or order required under the supplements to said act to be made by two justices, one dollar.

FEES IN CASES OF TRIAL FOR PETTY LARCENY BEFORE TWO JUSTICES. Fees in cases before two justices.

For issuing warrant to bring the accused before two justices, forty cents,
For trial before two justices, one dollar and fifty cents,
For drawing and preferring charge to prisoners, one dollar,

For drawing conviction, fifty cents,
For commitment, fifty cents.
For making and certifying each copy of bill of items of costs, fifteen cents.

Constables' fees in criminal cases

CONSTABLES' FEES IN CRIMINAL CASES.

For serving every warrant against one or more persons—for each person, eighty cents,
For serving every commitment, one dollar,
and the constable shall be entitled to mileage at the rate of three cents per mile (to be computed as hereinbefore provided) for the service of all warrants or commitments.
For attending prisoners under trial for petty larceny, or under examination before a justice, fifty cents,
For serving every subpœna where the distance is over one mile, thirty-five cents,
but where the distance is not over one mile, twenty cents,
For all services not enumerated in this act, justices and constables shall be entitled to receive fees as now fixed or may hereafter be provided by law.

Bills of costs to be sent up to the prosecutor of pleas.

3. *And be it enacted*, That every justice of the peace shall make a bill of particulars of the costs in each criminal case before him, and certify and send up the same with the papers in the case, to the prosecutors of the pleas, and if an indictment be found in the case, said bill of costs shall be handed by the prosecutors to the county clerk, who shall review and correct the same, if necessary, and shall certify the correct amount to the county collector, who thereupon shall pay the amount so certified to the justice, and said justice shall refund to the complainant so much of said costs as shall have been paid by complainant to said justice.

County clerk shall review and certify.
County collector to pay.

4. *And be it enacted*, That in case a person is convicted before a justice or justices of the peace, under the act entitled "An act to describe, apprehend and punish disorderly persons," passed tenth of June, one thousand seven hundred and ninety-nine, or any of the supplements thereto, and sentenced to imprisonment; or in case an offender is convicted of petty larceny before two justices, and sentenced to imprisonment or to pay a fine and costs, and committed till fine and costs are paid, it shall be the duty of the justice or justices before whom any such conviction is had, to make a bill

Duties of justices in certain cases.

of the particulars of the costs in such case, attached to the commitment, and also certify and send up a copy of said bill of particulars of costs, with the conviction in said case, to the county clerk, who shall review and correct the same, if necessary, and shall certify the correct amount to the county collector, who thereupon shall pay the amount so certified to the said justice or justices, and the county collector shall be allowed for the same in the settlement of his accounts, and the said justice or justices shall refund to the informer or complainant so much of said costs as shall have been paid by the said informer or complainant to said justice or justices.

County collector shall pay.

Justice shall refund to informer.

5. *And be it enacted*, That the sheriff of each county shall keep a suitable book, into which he shall enter or cause to be entered a true account of all costs, fines or forfeitures by him collected from all prisoners committed to his custody in the common jail or workhouse of his county, an annual report of which, verified under oath, he shall furnish to the board of chosen freeholders of the county at least ten days before their annual meeting; and all such costs, fines or forfeitures collected by him shall be paid over monthly by him to the county collector, except in cases where the forfeiture is required by law to be paid to the overseer of the poor, and in such cases the sheriff shall pay the forfeiture and costs to the justice before whom the conviction was had, said forfeitures to be paid over by the justice as required by law.

Sheriff shall keep account of fines, &c., created, and pay to county collector and report to freeholders.

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

Repealer.

Approved April 6, 1871.

CHAPTER DCX.

A Supplement to the act entitled "An act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven.

Expenses of county superintendents to be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable county superintendents of schools to discharge their duties with greater efficiency, they shall receive annually, in addition to the salary now allowed them, such sums as they may need to pay the actual expenses incurred by them in the performance of their official duties, which sums shall be paid by the collector of the county on the order of the State superintendent of public instruction; *provided*, that no such order shall be given in favor of any county superintendent until such county superintendent shall have furnished the State board of education a certified statement under oath, by items, of the expenses he has incurred, and that, during the year for which such order is drawn, he has performed faithfully, all the duties imposed by the school law and by the regulations of the State board of education; *and provided further*, that in no case shall the expenses aforesaid exceed three hundred dollars annually.

Proviso.

Proviso.

Salaries of superintendents, how determined.

2. *And be it enacted*, That after the passage of this act the salaries received by the county superintendents shall be determined by the school census report for the year eighteen hundred and seventy.

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

Approved April 6, 1871.

CHAPTER DCXI.

An Act relative to assessments for the improvement of roads and streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an assessment for the improvement of any road or street has been, or shall be set aside by the supreme court of New Jersey, and commissioners have been or are appointed to make a new assessment, the costs and expenses of such new assessment, together with the interest due on the certificates of indebtedness issued on account of such improvement, shall be added to the expenses of said improvement, and assessed and collected in the same manner as the assessment of such improvement. Expenses, how assessed and collected in certain cases.

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

Approved April 6, 1871.

CHAPTER DCXVI.

A Further Supplement to an act entitled "An act to regulate the practice of the courts of law."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the clerk of any of the courts of this State in all cases where the clerk is authorized to assess the damages of the plaintiff, to assess the same either in vacation or during the time of the adjournments, when the court is not actually in session. Damages, how assessed.

2. *And be it enacted*, That all assessments heretofore made by any of said clerks, shall be as valid and effectual in law as if the same had been made during the vacation. Assessments validated.

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

Approved April 6, 1871.

CHAPTER DCXVII.

An Act for the safety of railway passengers.

Petroleum and crude oils, how carried.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no cars that are or have been engaged in the transportation of petroleum or crude oils in bulk, shall pass any passenger train of any railway company, in any tunnel or upon any bridge of more than one hundred feet in length in this State, nor shall they enter into or upon such tunnel or bridge during the times a passenger train shall or may be within or upon such tunnel or bridge.

Penalties.

2. *And be it enacted*, That any corporation violating the provisions of this act, shall be subject to a fine of one thousand dollars, to be recovered by any inhabitant of this State who may sue for the same, in any court having cognizance of the same; one quarter of said fine to go to the person suing for the same, and three quarters thereof to the free school fund of this State.

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

Approved April 6, 1871.

CHAPTER DCXVIII.

An Act relative to the writ of certiorari.

Costs may be awarded either party.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court in any certiorari may, in its discretion, give judgment for costs for either party.

Court, duty of in certiorari.

2. *And be it enacted*, That it shall be the duty of the court in any certiorari heretofore brought or hereafter to be brought, to determine disputed questions of fact as well as law, and according to the justice of the case to reverse or

affirm in part or in the whole any tax or assessment or other order or proceeding, and to inquire into the facts by deposition taken on notice, or in such other manner as is according to the practice of the court.

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

Approved April 6, 1871.

CHAPTER DCXIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every executor and administrator of any deceased person within three months after his appointment, (unless the court for good cause shown, allow further time therefor), to render into the surrogate's office of the proper county a true and perfect inventory of all the goods, chattels and credits of the said deceased person to be made and proved as now required by law; and if any executor or administrator shall fail to deliver such inventory as aforesaid, it shall be the duty of the surrogate to issue a citation, directed to such executor or administrator, requiring him to render such inventory, which citation shall be served at least ten days before the return day thereof; and if he continue in default, the orphans' court of the said county shall proceed to revoke the letters testamentary or of administration and appoint another person.

Inventories, when to be rendered.

Surrogate may cite.

Letters may be revoked.

2. *And be it enacted*, That if any executor or administrator of any deceased person shall neglect or refuse to render an account of the estate of the said deceased for the space of two years after his appointment, it shall be the duty of the surrogate of the proper county to issue a citation to such executor or administrator to render his account, unless

Accounts must be rendered.

May be cited.

the court. for good cause shown, allow further time therefor, which citation shall be served at least ten days before the return day thereof; and if he fail to state and settle his account according to such citation, or the time so allowed by the court, it shall be the duty of the orphans' court to remove such executor or administrator from office and to appoint some suitable person in his place; *provided*, that any executor or administrator who is entitled to the whole of the residue of the personal estate of the testator or intestate shall not be required to settle his account in the surrogate's office of the county, unless required to do so by some person interested in said estate.

May be removed. Proviso.

3. *And be it enacted*, That any executor or administrator failing to render an inventory within three months, or to state and settle his account within two years, or within such further time thereafter as the court, for good cause shown, shall allow, shall forfeit his commissions as such executor or administrator, and shall not be allowed any compensation for his services by the court; and the costs of the said citation and of the proceedings thereon shall be paid by such executor or administrator out of his own private estate; and if the same is not paid the surrogate is authorized to issue execution against him therefor, as now provided by the thirty-second section of the act to which this is a supplement.

Commissions to be forfeited.

Shall pay costs of citation.

4. *And be it enacted*, That the citations required by this act as well as all other citations authorized or required to be issued out of the orphans' court, or by the surrogates of this State, and directed to persons residing out of this State, may be served by any person whom the surrogate, under his hand, shall appoint, by delivering a copy thereof to them, or by leaving a copy at their usual place of abode, with some person of the age of fourteen years or upwards; and the person so serving such citation shall make and file with the surrogate an affidavit setting forth the time, place and manner of such service, whereupon the same shall have the force and effect of a service by the proper officer within this State.

Surrogate may appoint person to serve citation.

5. *And be it enacted*, That the provisions of this act shall apply to executors and administrators heretofore appointed, after the surrogate shall have notified such executor or administrator of the requirements of this act in writing, which notice may be served by mailing the same to the post office

Act to apply to executors and administrators already appointed.

address of such executor or administrator, at least thirty days before the issuing of such citation.

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

Approved April 6, 1871.

CHAPTER DCXX.

An Act to repeal an act entitled "An act in relation to actions at law in certain cases," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act in relation to actions at law in certain cases," approved March seventeenth, one thousand eight hundred and seventy, be and the same is hereby repealed. Repealer.

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

Approved April 6, 1871.

CHAPTER DCXXI.

An Act to facilitate proceedings in the Court of Chancery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be a vice chancellor, who shall be a counsellor at law of at least ten years' standing, who shall be appointed by the chancellor, and commissioned by the governor, under the great seal of the State, and who shall continue in office for seven years from the date of the commission. Vice chancellor. To be a counsellor. How appointed. Term of office.

2. *And be it enacted*, That the chancellor may refer to such vice chancellor, any cause or other matter which at any time may be pending in the court of chancery, to hear the Powers and duties.

same for the chancellor, and to report thereon to him and advise what order or decree should be made therein; and any matter or cause in which the chancellor is interested may be so referred.

Powers and duties.

3. *And be it enacted*, That when any cause or matter shall be so referred to such vice chancellor, it shall be lawful for him to take and hear the evidence of any or all witnesses in said cause or matter orally in the same manner as the evidence is now taken and heard in the several courts of law in this State on trials before a jury; and if a report of the evidence so taken before him shall become necessary in the progress of said cause, for use on appeal from the decree of the chancellor thereon or otherwise, then such vice chancellor shall settle and sign such report.

May employ reporter.

4. *And be it enacted*, That it shall be lawful for such vice chancellor when any cause or matter is so referred, to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him for the use of the court and the parties in the cause or matter; and to fix, allow, and tax the fees and compensation of such reporter for taking down and writing out such evidence, and to apportion the same between the parties in the same manner as the fees of examiners are apportioned; and each party shall forthwith pay the part so apportioned to him, which shall be part of the taxable costs in the cause.

Fix compensation and apportion same.

Chancellor may divide the State into districts.

5. *And be it enacted*, That it shall be lawful for the chancellor, from time to time, to divide the State into convenient districts, and appoint times and places for the sitting of said vice chancellor, for the hearing of causes and matters referred to him, and to make all such general rules for the effectual execution and carrying out of this act as he shall deem necessary and proper.

Shall not practice law.

6. *And be it enacted*, That said vice chancellor shall not engage in the practice of law as counsel or otherwise, in any of the courts of this State, and shall receive as a compensation for the performance of the duties imposed upon him by this act, an annual salary of five thousand dollars, to be paid quarterly, and also ten dollars for every day actually engaged in the performance of such duties, to be ascertained and certified by the chancellor, and to be paid by the treasurer of the State with said salary quarterly.

Salary,

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

Approved April 6, 1871.

CHAPTER DCXXII.

A Supplement to an act entitled "A Further Supplement to an act entitled 'An act for the punishment of crimes,'" approved April sixteenth, eighteen hundred and forty-six, which further supplement was approved April first, eighteen hundred and sixty-nine.

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

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

Approved April 6, 1871.

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CHAPTER DCXXIII.

An act for the relief of Jacob H. Walters.

WHEREAS, at the fire in July, one thousand eight hundred and sixty-eight, at the New Jersey State Prison, the shops occupied by Jacob H. Walters, under a contract with the authorities of the prison, were destroyed; AND WHEREAS, the said shops have not been re-built, nor has any provision been made by the said authorities for the erection of new buildings, or any arrangements whereby the said Jacob H. Walters might derive benefit from his said contract; AND WHEREAS, by reason of the said failure to rebuild or to furnish other suitable accommodations for carrying on his work, under his said contract, the said Jacob H. Walters has sustained serious loss by the entire breaking up of his business and his inability to derive any benefit from said contract; therefore, Preamble.

Three thousand dollars appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and the same is hereby appropriated for the purpose of compensating the said Jacob H. Walters, for loss sustained by reason of the failure of the authorities of said prison to re-build the shops destroyed by fire, or to furnish accommodations for said Jacob H. Walters to carry on his work under the said contract.

Treasurer shall pay, how.

2. *And be it enacted*, That the said money shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

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

Approved April 6, 1871.

JOINT RESOLUTIONS.

NUMBER I.

Relative to making Jersey City a Port of Entry.

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

Approved February 2, 1871.

NUMBER II.

Relative to the celebration of the Centennial Anniversary of the Declaration of Independence.

WHEREAS, on the fourth day of July, anno domini one thousand seven hundred and seventy-six, at the city of Philadelphia, Pennsylvania, the declaration of independence was promulgated by the Congress then in session; AND WHEREAS, the provincial conference of Pennsylvania was the first to express their willingness to concur in a vote of Congress, declaring the United Colonies free and independent States, and New Jersey next speedily followed, with instructions to her delegates of similar import; AND WHEREAS, afterward, at the said city of Philadelphia, on the seventeenth day of September, anno domini one thousand Preamble.

seven hundred and eighty-seven, the constitution of the United States was adopted in convention, over which George Washington presided; AND WHEREAS, it is proposed to celebrate appropriately the great event of the declaration of independence, on the centenary anniversary after the proclamation thereof, by an exhibition of products of manufactures and art, showing the progress and development of the nation in comparison with all other nations of the world, and it is eminently proper and fitting that such exhibition be held at the city where the declaration was adopted and proclaimed, and which is associated with so many events connected with the beginning of our history as a nation; AND WHEREAS, the city of Philadelphia, being a seaport readily accessible through railroad communication with any part of the country, possesses all requisites and advantages for such an exhibition; AND WHEREAS, in view of these considerations a bill has been introduced into the Congress of the United States, providing for such exhibition on the fourth day of July, anno domini one thousand eight hundred and seventy-six, at the city of Philadelphia, which bill passed the House of Representatives; now therefore,

Approval of plan and place.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That an exhibition of products of manufactures and art of the United States, and of all nations, will be an appropriate means of celebrating the centenary anniversary of the declaration of independence; and it is most suitable and proper that the exhibition be held at the city of Philadelphia, Pennsylvania.

Sustaining House of Representatives.

2. *And be it resolved*, That the action of the House of Representatives of the United States looking toward such celebration, is approved and sustained by this State.

To provide for display by New Jersey.

3. *And be it resolved*, That the Legislature of New Jersey will, at the proper time, adopt such measures as may be expedient to provide for the display, at the exhibition, of the products of the State.

Copy to be sent to representatives and senators.

4. *And be it resolved*, That a copy of the foregoing be forwarded to the senators in Congress from this State.

Approved February 14, 1871.

NUMBER III.

Ratifying the amendment to the Constitution of the United States, known as the Fifteenth Amendment.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Legislature of this State do hereby ratify the amendment to the constitution of the United States, proposed at the third session of the fortieth Congress by resolution of the Senate and House of Representatives of the United States of America in Congress assembled, to the several State Legislatures; said amendment being in the following words to-wit: Ratifying 15th amendment to constitution of United States.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

Approved February 21, 1871.

NUMBER IV.

Authorizing sale of the Stevens Battery.

WHEREAS, The Senate and General Assembly of the State of New Jersey, by resolution, approved the first day of April, anno domini one thousand eight hundred and sixty-nine, did authorize the governor to appoint three commissioners, to advise with the executors of the late Edwin A. Stevens, as to the interest of the State in the ship now building at Hoboken, known as the "Stevens Battery," Preamble.

but without the authority to sell or dispose of the same; AND WHEREAS, the governor, by virtue of the said resolution, did appoint such commissioners; AND WHEREAS, the interest of the State requires that the said ship shall be sold for the largest sum that can be obtained, and that to effect this end it is necessary that authority should be given to negotiate such a sale to our own or to a foreign government; therefore,

Commissioners authorized to dispose of.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners be and they are hereby authorized to sell and dispose of the interest of the State in said Stevens Battery for such a sum and in such a manner as they, or a majority of them, may be willing to accept; *provided*, that the governor and chief justice of the State of New Jersey consent to such sale.

Proviso.

Approved March 21, 1871.

NUMBER V.

As to the Record of Soldiers of this State in the Revolutionary War, the War of one thousand eight hundred and twelve, and the Mexican War.

Publication, how and by whom made.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor, the treasurer and the comptroller be authorized to cause to be published such number of copies as they may deem proper, of the record of soldiers of this State in the revolutionary war, which has been compiled in the adjutant general's office, by order of the governor; that they also be authorized to publish, if it can be prepared, a record of like character of the soldiers of this State in the war of one thousand eight hundred and twelve, and the Mexican war; that they be directed to make such disposition of the same, upon such plan and in such manner as shall appear to them most judicious and consistent with the public interests.

How disposed of.

Treasurer to pay.

2. That the treasurer be directed to pay, upon the warrant of the comptroller, the expense incurred in carrying the foregoing resolution into effect.

Approved March 21, 1871.

NUMBER VI.

For appropriation for Life Saving Stations.

Preamble. WHEREAS, N. Broughton Devereux, chief of the revenue marine, in his report of December one thousand eight hundred and seventy, to the honorable the secretary of the treasury, recommended additional appropriation to the life saving stations, for the protection of life and property upon the New Jersey coast; AND WHEREAS, Henry W. Sawyer, superintendent of the stations, and the commissioners of pilotage have recommended additional stations, with crews at each station, and improved surf boats for the reason that the present boats are unsafe and worn out; therefore,

Senators and representatives urged to secure an appropriation 1 BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in Congress be urged to secure an appropriation of two hundred thousand dollars, for the year one thousand eight hundred and seventy-one, for the purpose of more effectually securing life and property upon the New Jersey coast.

Copy to be furnished. 2. *And be it enacted*, That the governor be requested to furnish a copy of the foregoing preamble and resolution immediately to the members of Congress from New Jersey.

Approved March 22, 1871.

NUMBER VII.

Relative to Colors or Flags borne by New Jersey troops during the war of eighteen hundred and sixty-one.

Preamble. WHEREAS, some of the colors or flags borne by New Jersey regiments and batteries during the late war are still in the hands of private persons; AND WHEREAS, those returned to the custody of the State are now

kept at the State arsenal, in an obscure room, where they are liable to mutilation and decay; AND WHEREAS, it is right and fitting that these historic emblems, upheld by the bravery and devotion of New Jersey troops, on so many heroic battle fields, should be tenderly cared for, as sacred memories of the past, and preserved for the gratitude and reverence of future generations; therefore,

Flags to be collected and preserved.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quarter master general is hereby authorized and directed to take the necessary steps immediately to recover all such colors or flags not now in his possession, and to remove all, without delay, to some suitable place in the State House, which the comptroller is directed immediately to prepare, where they shall be enclosed in appropriate glass cases, with the names of regiments and batteries, and the battles participated in, suitably painted thereon.

Approved March 29, 1871,

NUMBER VIII.

In relation to reports made to the Governor and Legislature for the fiscal year ending October thirty-first, eighteen hundred and seventy.

Reports to be bound separately.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the reports that were printed by authority of joint resolution "relative to the reports of State officers," passed during the session of eighteen hundred and seventy, and ordered to be bound in the legislative documents for the year eighteen hundred and seventy-one, and numbered from two to 13 inclusive, be stitched and bound in separate pamphlets, with plain paper covers, and distributed to the members of this Legislature.

Approved April 6, 1871.

NUMBER IX.

As to the list of Officers and Soldiers of the late War.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor, the secretary of state, the adjutant general, the comptroller and the treasurer, be authorized to cause to be published such number of copies as they may deem proper, of the record of officers and soldiers of the late war, now on file in the adjutant general's office; that they be directed to make such disposition of the same, upon such plan and in such manner as shall appear to them most judicious and consistent with the public interest. Record to be published. How disposed of.

2. *Resolved*, That the treasurer be directed to pay, upon the warrant of the comptroller, the expense incurred in carrying the foregoing resolution into effect. Treasurer to pay.

Approved April 6, 1871.

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SPECIAL ACTS.

SPECIAL PUBLIC AND PRIVATE ACTS

PASSED BY

The Ninety-Fifth Legislature.

CHAPTER I.

An Act to repeal an act entitled "An act for the establishment and government of the police of the city of Newark," approved February twenty-fourth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act for the establishment and government of the police of the city of Newark," approved February twenty-fourth, eighteen hundred and seventy, be and the same is hereby repealed; and that all books, records, papers, property and funds now in the custody of the present police commission and appertaining thereto, including the station houses and court rooms, with the appurtenances thereof, shall, on demand of the mayor of said city, be delivered and transferred to the mayor and common council of the city of Newark. Repeals act of 1870.

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

EDWARD BETTLE,

President of the Senate.

ALBERT P. CONDIT,

Speaker of the House of Assembly.

Approved January 31, 1871.

THEODORE F. RANDOLPH,

Governor.

CHAPTER II.

An Act to incorporate the Gloucester City Co-operative Benefit Society.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William McElhenny, William Wholstenholm, John Schules, Robert Booth, James Bartolle, William Lee and James White, their associates, successors and assigns, shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name

Corporate name and powers.

of "The Gloucester City Co-operative Benefit Society," for the purpose of dealing in all the necessaries of life, in order to protect the laboring classes from the monopoly of speculators, and for that purpose may hold such real estate as may be needful to carry on the business, or may accrue to them in the course thereof, and may sell, lease or otherwise dispose of the same; and said corporation may sue and be sued, implead and be impleaded, in any court of law or equity; may adopt a common seal, and alter the same at pleasure, and possess, generally, all the powers, and be subject to all the liabilities of corporations under the laws of this State.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, divided into shares of ten dollars each, and the aforesaid corporators, or their successors, are hereby appointed commissioners to receive

May receive subscriptions to capital stock, and begin business.

subscriptions to said capital stock, in such place at Gloucester City as a majority of them may appoint, giving at least five days' notice in at least five public places in said city; and as soon as two thousand dollars shall have been subscribed and paid in, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated under this act.

Where business to be done.

3. *And be it enacted*, That the business of said corporation shall be carried on in the county of Camden, and man-

Officers, term of, and how elected.

aged by a president, secretary, assistant secretary, treasurer and five directors, all of whom shall be stockholders, who shall hold their office for six months, and until others are

elected in their stead, and semi-annually thereafter, at such time and place as the by-laws may direct, an election to be held, at which election every stockholder present shall be entitled to one vote only, and no more.

Subordinate officers may be appointed.

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

Stock transferable.

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

Books of account where kept.

6. *And be it enacted*, That regular books of account shall be kept in the office of said corporation, at Gloucester City, to which books every stockholder shall have free access at all reasonable times, for the purpose of inspection.

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

Approved January 31. 1871.

CHAPTER III.

An Act to change the name of Ella Brown to Ella Thomas.

WHEREAS, Ella Brown, of the city of Hoboken, of Hudson county, has been adopted by Ralph Thomas, of the same place, who is desirous of having the name of said Ella Brown changed to Ella Thomas, and no reason appearing to the contrary; therefore,

Name changed.

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

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

Approved January 31, 1871.

CHAPTER IV.

An act for the relief of the Methodist Episcopal Church, in Madison, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church, in Madison, in the township of Chatham, and county of Morris, are hereby authorized and empowered to sell, either at public or private sale, such part or parts of the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for the same, by which the whole title of said corporation shall pass to the purchaser, free and clear and absolutely discharged from all trusts whatsoever upon which the same now is or has heretofore been held.

May sell lands.

2. *And be it enacted*, That the proceeds of the said sale or sales shall be invested by the said trustees, either in the purchase of other real estate for the use of said corporation, or for such other use as the said trustees shall determine.

Proceeds may be invested.

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

Approved January 31, 1871.

CHAPTER V.

A Further Supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark, to issue bonds under their corporate seal, and the signature of the

Bonds may be issued.

e

said mayor, to the amount of one hundred thousand dollars, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached, and payable twenty years from the date thereof, "pledging the credit and the whole property of the city for the payment of the same," which bonds it shall be lawful for the said mayor and common council to sell at public or private sale, upon such terms and conditions as the common council may prescribe, and to apply the proceeds of the sale thereof to the payment of the floating debt of said city.

Special tax to be levied.

2. *And be it enacted*, That the said common council shall provide, by a special tax, for the payment of the interest upon the bonds authorized to be issued by this act, and also for raising an amount equal to three per centum upon the amount of said bonds, for a sinking fund for the redemption and payment of the same, and that all the provisions of the sixth, seventh, eighth, ninth and tenth sections of the act entitled "An act to authorize the city of Newark to guarantee and assume the payment of certain bonds of the county of Essex, and to issue bonds to an amount not exceeding twenty-five thousand dollars, for volunteer aid bonds, and three hundred thousand dollars, for war bounty bonds," approved March thirty-first, one thousand eight hundred and sixty-four, are hereby declared to be a part of this act, so far as the same can be made applicable thereto; and the mode of raising the said tax, and the care and management of the said fund shall be in all respects, the same as therein provided.

Parts of act of 1864 to be part of this act.

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

Approved January 31, 1871.

CHAPTER VII

A Further Supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds of said city, under their corporate seal and the signature of said mayor, for an amount not exceeding five hundred thousand dollars, to be designated as "street improvement and sewer bonds," bearing interest payable semi-annually, with coupons attached, at a rate not exceeding seven per centum per annum, and payable at such time or times as may be agreed upon by the common council, not exceeding fifteen years from the date of the issue, "pledging the credit and the whole property of the city for the payment of the same;" and the said bonds may be re-issued, from time to time, as they become due; *provided*, that the amount shall at no time exceed the aforesaid sum of five hundred thousand dollars: which bonds it shall be lawful for the said mayor and common council to sell at public or private sale, upon such terms and conditions as the common council may prescribe: and that the interest on the said bonds shall be paid from the annual appropriation for interest by tax ordinance.

Bonds may be issued.

How designated.

When payable.

Proviso.

2. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act to which this is a supplement, shall be held to be applicable, or in any wise to affect this act, but this act shall be and remain as effectual to all intents and purposes, as if the said sections had not been enacted.

Certain sections of original act not to affect this act.

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

Approved January 31, 1871.

CHAPTER XII.

An Act relating to fees for impounding animals in the township of Belleville, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the several pound keepers in the township of Belleville, in the county of Essex, shall be entitled to have and receive the sum of forty cents for each horse, mule, goat, head of cattle, sheep or swine, to be paid for the use of the pound keeper, for letting in and out of the pound kept by him; and the person bringing such animal to be impounded shall also be entitled to receive the sum of forty cents for every such animal so brought by him; and for feeding and attending, the pound keeper shall be entitled to receive and have the further sum of forty cents per head for all such animals, for every twenty-four hours they remain in the pound kept by him; and the further sum of one dollar for setting up the advertisements and notice of sale, and for selling every such animal in the manner prescribed by law. Fees.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, so far as the same affect the township of Belleville, aforesaid.

Approved January 31, 1871.

CHAPTER XIII.

An Act to change the surname of John O. Flood, James M. Flood, Julia E. Flood, the elder, and Julia E. Flood, the younger.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the surname of John O. Flood, James M. Flood, Julia E. Flood, the elder, and Julia E. Flood, the younger, of the city of Newark, in the county of Essex, be and the same hereby is changed to Ford, and by that surname they and each of them shall be known in all courts, places and proceedings, and they and each of them shall possess and enjoy all the rights, powers and privileges which they and each of them would have possessed and enjoyed had they retained their original surname.

2. *And be it enacted*, That this act shall take effect immediately, and shall be taken in all courts and places as a public act.

Approved January 31, 1871.

CHAPTER XIV.

Supplement to an act entitled "An act to incorporate the Masonic Hall Association of the city of New Brunswick," approved February first, one thousand eight hundred and seventy.

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of "The Masonic Hall Association of New Brunswick," be and the same hereby is increased to the sum of one hundred and fifty thousand dollars, with liberty to the directors for the time being of the said corporation, to further increase the said

capital stock to any sum not exceeding fifty thousand dollars, making the capital stock of the said corporation not to exceed in the aggregate the sum of two hundred thousand dollars, and all of which said increased capital stock shall be divided into shares of two hundred dollars each, and shall be subscribed and paid at such times, in such manner, in such instalments and upon such notice as the said directors, by their by-laws, may direct and appoint, and shall be held subject to all the terms, conditions and penalties mentioned in the said act to which this act is a supplement. How paid.

2. *And be it enacted*, That the said corporation shall be capable of purchasing and holding, mortgaging and conveying real and personal estate, not to exceed in value the sum of three hundred thousand dollars. May hold real estate

3. *And be it enacted*, That at the next annual election for directors of the said corporation, and at every subsequent annual election, twelve directors shall be elected, who shall have the management and disposition of the affairs and property of the said corporation, and that five of the said directors shall be a quorum for the transaction of business. Directors. Quorum

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

Approved January 31, 1871.

CHAPTER XV.

A Further Supplement to the act entitled "An act to incorporate the Hibernia Mine Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Hibernia Mine Railroad Company to increase their capital to the amount of two hundred thousand dollars. Increase capital stock.

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

Approved February 1, 1871.

CHAPTER XVI.

An Act to incorporate The Wortendyke Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendyke, Abram C. Wortendyke and David D. A. Wortendyke, and the survivors of them, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by

Title.

and under the name of "The Wortendyke Manufacturing Company," for the purpose and with the power and authority of carrying on at Godwinville, in this State, or at

Where located.

such other place or places in the counties of Bergen and Passaic as the board of directors may elect, the business of

Business.

manufacturing goods and fabrics of every kind, of which silk, wool, linen and cotton, or any or either of them, form a component part, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act; and by the said name shall have continued succession and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper;

Powers.

and shall be capable of contracting and being contracted with, suing, pleading, defending and answering, and being sued, pleaded, defended, and answered unto, in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever; and of doing and causing to be done all acts needful for the proper management of the funds and property of the company, and carrying on the business for which said corporation is cre-

Principal office.

ated; and the principal office of the company shall be at Godwinville, aforesaid

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one (1) hundred thousand dollars, with liberty to the directors to increase the same to any amount not

Number of shares.

exceeding five (5) hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and as

soon as seventy-five (75) thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall be lawful for said corporation to commence their said business, or any part of it; and it shall be lawful for the directors of the said company to call in and demand from the subscribers to said capital stock the amount subscribed by them, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively subscribed, and all previous payments made thereon, if such payments shall not be made in thirty days after the demand thereof by service of notice upon them, or publication thereof in one or more of the newspapers published in the city of Paterson. How paid.

3. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed and conducted by three (3) directors, one of whom shall be president, and a majority of whom shall have all the powers of the board; and said directors shall be stockholders in said corporation, and shall hold their offices for one year and until others shall be chosen to fill their places; and the directors shall be chosen annually on the first Monday in January, at such hour of the day and at such place as the by-laws of said corporation shall direct; and until such annual election shall take place, the persons named in the first section of this act shall be the directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a board competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case any vacancy shall occur in the board of directors by death, resignation or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Directors. How chosen. Vacancies.

4. *And be it enacted*, That any buildings, lands, property, machinery, stock or materials which may be received in payment for subscriptions for stock, shall be taken at a valuation approved by a majority of the board of directors. Stock, how paid for.

5. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such Shall not be dissolved.

other day as may be provided by the by-laws of said corporation or by resolution of the board of directors.

May hold real estate.

6. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such other real estate in the county of Bergen as may be deemed proper and advisable by the said corporation, and also all other real estate which shall have been mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments or decrees which shall have been obtained for or upon such debts: and may sell, mortgage, lease or otherwise dispose of the same at pleasure; and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution of the United States or of this State; and all stockholders may, in all questions submitted to them, and in all elections, be entitled to one vote for every share he or she holds in the stock of said corporation, which vote may be cast in person or by proxy; and all matters before said stockholders shall be decided by a majority of the votes so cast.

Proviso.

Votes, how cast.

Stock, how transferred.

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

May be dissolved

8. *And be it enacted*, That the company may be dissolved at any general meeting of the stockholders thereof, specially convened for that purpose by the president upon twenty (20) days' notice; *provided*, that at least three-fourths in value of the stock shall be present or represented thereat by the said stockholders; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three (3) nor more than five (5) in number

Proviso.

Trustees to settle.

for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purposes aforesaid; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claims or business, and the transfer and sale of any property of the company. May use corporate name.

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

Approved February 1, 1871.

CHAPTER XVII.

A Further Supplement to the act entitled "An act constituting a public road board, for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of the act supplemental to the above entitled act, which supplemental act was approved February sixteenth, eighteen hundred and seventy, be and the same is hereby amended, by striking out therefrom the words "in equal annual instalments," and that the bonds heretofore issued by the board of chosen freeholders of the county of Essex, payable on the first day of July, one thousand eight hundred and eighty, and bearing date the first day of July, one thousand eight hundred and seventy, and such bonds as the said board of chosen freeholders shall hereafter issue, payable at any time not exceeding ten years, with interest, and signed and countersigned as provided in the sixteenth section of said act, to enable the collector of the county of Essex to raise money for the purposes in said act and supplemental act mentioned, shall be and they are hereby declared to be valid, and shall be paid as is provided for in said acts, for the payment of the bonds therein mentioned, which said Amendment. Bonds, how payable.

bonds it shall be lawful for the said board of chosen freeholders of the county of Essex, to sell and negotiate at public or private sale for the best price that can be obtained therefor.

How to be sold.

To be received by road board.

2. *And be it enacted*, That the said bonds shall be received by said road board at par, in payment of the benefits assessed in pursuance of the said act, when the same shall be tendered in sums not exceeding the amount in any one case assessed: and the bonds so tendered and received, shall be delivered and paid to the collector of the county of Essex, and shall be received by him at par, and he shall return to the said board of chosen freeholders, the said bonds so paid and received for benefits, which said board shall thereupon cancel the same.

To be paid to county collector.

Amendment.

3. *And be it enacted*, That the fourth section of the said supplemental act, be and the same is hereby amended by striking out the words "excepting Bloomfield avenue, which shall be macadamized."

Bridges and culverts at expense of county.

4. *And be it enacted*, That all bridges and culverts built and constructed by the said road board, shall be built and constructed at the expense of the county of Essex;

May curb sidewalks.

Assess expense.

5. *And be it enacted*, That the said road board shall have power to curb the sidewalks on any of the said avenues or section of any avenue mentioned in said supplemental act, when requested in writing so to do by the owners of the majority of the land, counting by lineal measurement, on the line of any of the said avenues or section of an avenue, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on the adjoining lots, whether improved or unimproved, and collected as hereinafter mentioned; and it shall be lawful for the said board to curb one side of any of said avenues or a section thereof, when requested by the owners of a majority of the land on the line of the side of the avenue or section intended to be curbed, and the said road board, when they shall curb any avenue or section or side thereof, shall ascertain the whole amount of the costs and expenses of such curbing, and shall make a just and equitable assessment thereof upon the owners of the lands and real estate on the line of said avenue or section or side of an avenue, giving ten days' previous notice in two newspapers published in the county of Essex, of the time and place when the said board will meet to make such assessment, stating generally in said

To give notice in newspapers.

notice the avenue on such section or side thereof as they may intend to curb; and the said assessment when made shall be and remain a lien upon the lands and real estate so assessed, until paid, and shall be collected in the same manner as is provided in said act for collecting assessments for benefits. Lien upon lands.

6. *And be it enacted*, That the said road board shall have power to locate the tracks of any horse railroad which may be hereafter constructed or relaid over any of the said avenues, and the tracks of such railroad shall be laid on such part of said avenues as said board shall direct, and all trees shall be planted on said avenues, and all gas and water pipes shall be laid thereon under the direction and supervision of said board. Powers.

7. *And be it enacted*, That the sixth section of the said supplemental act, be and the same is hereby amended by striking out therefrom the words "provided such benefit shall not exceed fifty per cent. of the assessed value of any property for the year eighteen hundred and sixty-nine," and said proviso is hereby repealed. Amendment. Repealer.

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

Approved February 2, 1871.

CHAPTER XVIII.

An Act to incorporate the German Theological School of Newark, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan F. Stearns, Joseph Few Smith, Charles A. Smith, George C. Seibert, Charles E. Knox, Thomas N. McCarter, F. Wolcott Jackson, William F. Van Wagenen and Philip Doremus, and their successors, are hereby constituted a body corporate and politic, in fact and in name, by the name of "The German Theological School of Newark, New Jersey," and by that name shall have succession and be capable in law of taking and Names of corporators. Corporate name.

May hold property.

holding, by gift, grant, devise or otherwise, and of holding and conveying, both in law and in equity, any real or personal estate, and may have a common seal and change the same at pleasure.

Directors.

2. *And be it enacted*, That the government of the said corporation shall be vested in a board of directors, which shall consist of nine members, five of whom shall be clergymen, and four laymen; the corporators above named shall be the

Who first.

first board of directors of said corporation, and shall be

Classified.

divided into three classes, to be numbered one, two and three; the term of the first shall expire in one, the second in two and the third in three years from the first day of May last; Joseph Few Smith, Charles E. Knox and Thomas N. McCarter, shall compose the first class; Charles A. Smith, William F. Van Wagenen and Philip Doremus, shall compose the second class, and Jonathan F. Stearns, George C. Seibert and F. Wolcott Jackson, shall compose the third class; each class of directors shall hereafter be chosen for and

Term of.

hold their office during three years, and until a new election to supply the place of such class.

How elected.

3. *And be it enacted*, That the Presbytery of Newark may annually hereafter elect at its stated spring meeting, three directors of said corporation to supply the place of the class which shall expire in that year, and shall also have power

Vacancies, how filled.

to fill any vacancy that may have happened by death, resignation or otherwise, in any other class, such election to be held in such manner as the said Presbytery of Newark shall

Subject to review.

direct; and any such election shall be subject to review by the next General Assembly of the Presbyterian Church in the United States of America; and in case the said general assembly shall disapprove of such election, the offices of the director or directors disapproved of, shall thereupon become vacant; the board of directors shall also have power to fill all vacancies in their own board which may happen from year to year, and such appointment shall be valid until the first day of May then next following, or until the election of a successor by the Presbytery as aforesaid.

Powers.

4. *And be it enacted*, That the said directors and their successors shall have the management and care of the estate, both real and personal of said corporation, and shall have power to sell or otherwise dispose of the same in their discretion, for the purpose of advancing the objects of said school, and shall also have power to adopt a constitution

and all necessary by-laws and ordinances for the management and government of said school; *provided*, the same be not in conflict with the laws and constitution of this State or of the United States. Proviso.

5. *And be it enacted*, That whenever from a cessation of German immigration, or from any other cause, it may be deemed inexpedient longer to maintain said institution as a distinctive German theological school, it shall be lawful for the directors, with the approval of the Presbytery of Newark, and of the General Assembly of the Presbyterian Church of the United States, to use the property and funds of said corporation for any other branch of theological education, or transfer its property and funds, or any part thereof, to any other theological seminary; and in case of such transfer of all the property of said corporation to another seminary or seminaries, the corporate power hereby granted shall cease, and said corporation shall be thereby dissolved. May change purpose. May be dissolved

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

Approved February 2, 1871.

CHAPTER XIX.

A Further Supplement to an act entitled "An act to incorporate the Burlington County Agricultural Society," approved March fourth, one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the whole capital stock of the said society shall consist of four hundred shares, of the par value of ten dollars each, with the privilege of increasing the same to five hundred shares, if the society shall hereafter deem it advisable, by a vote of two-thirds of all the stockholders. Capital stock value, how increased.

2. *And be it enacted*, That so much of the supplement approved February twenty-sixth, one thousand eight hundred and sixty-eight, as is inconsistent herewith, be and the same is hereby repealed, and this act shall be deemed a public act, and take effect immediately. Repealer.

Approved February 2, 1871.

CHAPTER XX.

An Act to incorporate the Mercer Rubber Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas E. McDonald, Edmund D. Scudder, Robert S. Manning, Edward W. Scudder and Henry S. Little, and their successors and assigns, be and they are hereby created a body politic and corporate in law,

Corporate name.

by the name of "Mercer Rubber Company," for the purpose of manufacturing and dealing in India rubber goods in all their branches, and carrying on the business incident to such manufacture and dealing, in the county of Mercer; and for

Power.

that purpose may purchase and hold lands, erect such mills and other works as may be required to carry on such business, and may mortgage, sell, convey or otherwise dispose of the same.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be forty thousand dollars, with power to increase the same to any amount not exceeding two hundred thousand dollars, and shall be divided into shares of one thousand dollars each, which shall be deemed personal property, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

3. *And be it enacted*, That it shall and may be lawful for the persons named in the first section of this act, or a majority of them, at such time and place as they shall select,

Subscriptions to.

to open books of subscription to the capital stock of said corporation, and whenever the sum of forty thousand dollars shall have been subscribed and actually paid in, it shall and may be lawful for the said corporation to organize and conduct its business under the provisions of this act.

4. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than

Directors.

seven directors, who shall be stockholders, and one of whom shall be president; such directors shall hold their office for one year and until others are elected in their stead; the election of directors shall be at such time and place as the

How elected.

by-laws may direct, at which election each stockholder shall

be entitled to one vote, either in person, or by proxy, for each share of stock by them respectively owned.

5. *And be it enacted*, That any buildings, land, machinery or other property used in manufacturing and carrying on said business may be received in payment for subscriptions to capital stock, at a valuation agreed upon by a majority of the board of directors, and a majority of the stockholders. Stock, how paid for.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish and put in execution such by-laws and regulations as shall seem necessary and convenient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation. Quorum.

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

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

Approved February 2, 1871.

CHAPTER XXI.

An act to incorporate the "Dime Savings Bank," of the city of New Brunswick, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Levi D. Jarrard, Lyle Van Nuis, A. V. Schenck, Henry DeHart, Henry K. How, Garret G. Voorhees, Jehiel K. Hoyt, Robert G. Miller, Peter J. Names of corporators.

Stryker, Uriah DeHart, John V. H. Van Cleef, Henry N. Marsh, Adrain Vermeule, George C. Ludlow, Amos Robins, Joseph S. Mulford, Jacob E. Stout, Garret Conover, John M. Cornell, Miles Ross, and their successors, shall be, and are hereby constituted a body corporate and politic, by the
Corporate name. name of "The Dime Savings Bank," of the city of New Brunswick, and by that name shall be capable of purchas-
Power. ing, taking, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, and any goods and chattels, or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal
Proviso. estate, or any part, at their will and pleasure; *provided, always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which the deposits may be made, shall not exceed the sum of twenty-five thousand dollars.

2. *And be it enacted*, That the said institution shall be
Managers. How elected. conducted by seven managers, elected by ballot, from among the number of the above named incorporators, four of whom shall be a quorum to transact business, and at least three shall be residents of the city of New Brunswick; and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the
Board may vacate. board; the managers shall meet annually on the first Monday in April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer
Officers. and such other officers as to them shall appear necessary for conducting the business of the institution; which officers, so
Term of. chosen and appointed, shall continue in office one year, or until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such
Security. sum or sums, and such securities, as may be directed by the board of managers.

3. *And be it enacted*, That the board of managers shall,
Powers of managers. from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the officers and managers, and for the transacting, managing and

directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State, and of the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect, injuriously, any one who may have been a depositor previous to the alteration. Proviso. By-laws to be posted.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered, for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors, at such times, and with such interest, and under such regulations, as the board of managers shall, from time to time prescribe; and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court. May receive deposits. Accept trusts.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors. Interest on deposits. Proviso.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them, for their services, except the president, secretary and treasurer, and the committee of examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of the managers of said corporation; nor shall the said institution issue any notes or bills, nor shall any officer or agent of the institution be allowed, directly or indirectly, to borrow any money from said institution or to use the same, except to pay necessary expenses, nor shall the institution take or hold any bonds, mortgages No compensation to managers. Pay of officers. Managers restricted.

or other securities for the payment of money drawn or endorsed by or existing against any officer or agent of the institution as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Funds, how invested.

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 the United States or of the States of New Jersey, New York, Pennsylvania, Ohio, Kentucky, Tennessee, Missouri and Massachusetts, or in stock or bonds of the cities of Hoboken, Jersey City, Newark, New Brunswick, and bonds of the counties of Middlesex, Union, Essex, Hudson, Bergen, in this State, or the cities of New York and Brooklyn, in the State of New York, authorized by the laws of the said States respectively, nor on bonds and mortgages, except on unincumbered real estate, worth at least double the amount of the sum invested, nor in stocks or bonds of any incorporated company whatever.

Certificates of deposit.

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

Payments 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 one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names and receive their interest and dividends thereon, and receive and withdraw the same, and such deposits shall not be subject to the control of the husband nor liable for his debts; nor shall money deposited by single women be subject, in case of marriage, to the use or control nor liable for the debts of the future husband.

Proviso.

Married women may deposit.

Representatives of depositors.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will; and all payments made to the

person or persons so appointed shall be a full discharge to the said institution.

Amount of deposits.

11. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow any interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of a month.

Interest.

Books to be kept.

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.

Report to Legislature.

13. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the Legislature of this State, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds; and such statement shall be published in the newspapers published in the city of New Brunswick.

To be published in newspapers.

Vacancies, how filled.

14. *And be it enacted*, That the managers shall have the power to fill up by ballot at a regular meeting, after notice of one month, any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present.

Office.

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.

Books to be opened for inspection.

Public act.

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 included; and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the Legislature may at any time hereafter amend, modify or repeal this act.

Proviso.

17. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved February 7, 1871.

CHAPTER XXIII.

An Act to incorporate the Holmdel Cemetery Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Schanck, Thomas W. Thorne, Jonathan Longstreet, Kortenius C. Hyer, David Schanck, Jr., John S. Hendrickson and their associates, be and they are hereby constituted a body politic and corporate in law, by the name of "The Holmdel Cemetery Company," with the general powers and privileges of a corporation.

Corporate name.

Lands, may purchase.

2. *And be it enacted*, That the said corporation shall have power to purchase and hold in fee a tract of land not exceeding fifty acres, being part of the farm of George Schanck, situate in the township of Holmdel, county of Monmouth, State of New Jersey, adjoining the turnpike leading from Holmdel to Keyport.

Where.

Who to compose corporation.

3. *And be it enacted*, That the said corporation shall be composed only of such persons as shall be owners of burial lots in said cemetery; and in all elections for managers every person of full age, who shall be proprietor of a lot, or if there be more than one proprietor of any lot, then such person as the majority of joint proprietors shall designate to represent such lot, may give one vote for each lot owned by him or them.

Powers.

4. *And be it enacted*, That the said corporation shall have power to erect, on said tract of land, such buildings and other accommodations as the managers may deem suitable and necessary for the use and purposes of the cemetery; and may sell, or otherwise dispose of the sub-lots or plots in the said cemetery, to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said corporation, and signed by the president and secretary, to be used only as a cemetery, with the privilege of the several avenues, walks, passages, and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as may be established in relation thereto, by any by-law or ordinance of said corporation; transfers of sub-lots

or rights thereunto may be made by the owner or owners thereof by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said corporation.

5. *And be it enacted*, That the affairs of said company shall be managed by a board of six managers; the first board shall be composed of the persons above named as corporators, whose terms of office shall continue until the first Monday in March, one thousand eight hundred and seventy-two, on which day, and annually thereafter, on such day, at such place, and subject to such regulations as the said corporators shall prescribe, an election of six managers shall be held, who shall hold their office for one year, and until others are chosen in their stead. Managers. Term of office.

6. *And be it enacted*, That the lands and property of said corporation shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts due from individual proprietors, but the proprietors of lots and plots in said cemetery, their heirs or devisees may hold the same, exempt therefrom, so long as the same shall remain dedicated to the purpose of a cemetery. Exempt from tax.

7. *And be it enacted*, That the said corporation shall have the powers, and privileges, and immunities, and be subject to the restrictions and limitations contained in the seventh, eighth, ninth and eleventh sections of the act entitled "An act authorizing the incorporation of Rural Cemetery Associations," excepting the words in section seventh, "on the map filed as aforesaid," and the words in section eleventh, "a copy of which release shall be recorded in the clerk's office of the county within which the said cemetery shall be situated." Privileges and restrictions. Exception.

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

Approved February 7, 1871.

CHAPTER XXIV.

An act to incorporate The Miners' Savings Bank, of Dover, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry McFarlan, Columbus Beach, James H. Simpson, George Richards, William H. Lambert, William H. Jones and Charles McFarlan, and their successors, shall be, and hereby are constituted a body corporate and politic, having a common seal, by the name of

Corporate name.

" The Miners Savings Bank, of Dover, New Jersey," and by

Powers.

that name shall be capable of taking, holding, purchasing, 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 said real or personal estate, or any part thereof, at their will or pleasure.

Managers.

2. *And be it enacted*, That the said corporation shall be managed and conducted by five managers, three of whom shall be a quorum to transact business; the persons named in the first section of this act shall be the first managers of

Meetings.

the corporation; the managers shall meet annually on the first Monday in May, and choose from their number a presi-

Officers.

dent, vice-president, appoint a treasurer and secretary, and any subordinate officers and agents as may to them appear to be necessary for conducting the business of the corporation, and when the seat of any member of the board shall

Vacancies.

become vacant by death, resignation or otherwise, the other members of the board may fill such vacancy by the vote of two-thirds of their number, and all officers chosen or

Term of office.

appointed as aforesaid, shall continue in office one year and until others are chosen, and all officers so chosen shall give security, if required, for the faithful execution of the duties

To give security.

of their office, in such sum, and with such sureties, as may be directed by the board of managers.

3. *And be it enacted*, That the board of managers shall,

from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper, for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State or of the United States, and shall not, at any time, be altered so as to affect any deposit of money previously made. Rules. Proviso.

4. *And be it enacted*, That the said corporation may receive on deposit, all sums of money which may be offered therefor, in such amounts, and at such times, and upon such terms as the by-laws shall prescribe; and the said corporation may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court, and any such trust or sums of money so deposited or accepted, shall be invested in the manner hereinafter directed, and repaid to the depositors, or their legal representatives, at such times and with such interest and under such regulations, as the board of managers may, from time to time, order or direct. May receive deposits and execute trusts.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stock than such as are created under the laws of the United States, or any of the States of the said United States, nor upon bond or mortgage, except on unincumbered real estate, worth at least double the amount invested, nor in the stocks or loans of any incorporated company whatever, but nothing contained in this section shall be construed to hinder the managers from investing a portion of their funds in temporary or call loans, upon approved personal or collateral security; *provided*, that not more than ten thousand dollars shall be so loaned at any one time. May make investments. Proviso.

6. *And be it enacted*, That no president, vice president, or manager of the said corporation, as such, shall be entitled to or receive any emolument or compensation for his services, nor shall any officer or manager, directly or indirectly, become the hirer or borrower, or surety for any hirer or borrower of the funds of the corporation, nor shall the corporation take or hold the bond, mortgage, or other security, for the payment of money, which may be drawn or endorsed by, or may exist against any officer or manager of the corporation. Officers restricted.

Interest on deposits.

7. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits of the business of said corporation, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that the rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum less than the rate allowed other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to five dollars, nor upon the fractional part of five dollars, nor upon the fractional part of a month, and that no interest or dividends, on account of any surplus or contingent fund, shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Certificates of deposit.

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

Minors, how deposits paid to.

9. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, and the receipt and acquittance of such minor shall be as valid as if the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit; married women may deposit money in their own names, and receive the interest or dividends therefrom, and receive and withdraw the same, and such deposits shall not be subject to the control of her husband, or liable for his debts, nor shall money deposited by a single woman be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Proviso.

Married women may deposit.

Amount of deposits.

10. *And be it enacted*, That the institution shall not be required to receive on deposit a less sum than one dollar, and that all deposits and payments shall be regularly entered in the books of the corporation, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered.

11. *And be it enacted*, That a book shall be kept in the

office of the corporation, in which every depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be in full discharge of said corporation. Representatives of depositors.

12. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the Legislature of this State, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statements shall be published in one or more newspapers published in the county of Morris. Report to Legislature. Publish statements.

13. *And be it enacted*, That the office or place of business of said corporation shall be in the town of Dover, and the books of the said corporation shall be open, at all times, to the examination and inspection of such person or persons as the Legislature may, from time to time, appoint for that purpose. Place of businesss.

14. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in courts favorably and benignly, for every beneficial purpose therein included, and that the same shall take effect immediately. Public act.

Approved February 7, 1871.

CHAPTER XXV.

An Act to authorize the inhabitants of the township of Downe, in the county of Cumberland, to vote by ballot at their annual town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Downe, in the county of Cumberland, be and they are hereby authorized and required to elect by ballot at their annual town meeting, between the hours of eight o'clock in the morning and three o'clock in the afternoon, in the manner now authorized by law for the election of State and county officers, all such township officers as the inhabit- Manner of election. Time.

New Jersey State Library

ants of the said township are now, or hereafter may be, authorized or required to elect; and shall in like manner designate and fix the amounts of money to be raised by the said township for schools, roads and other purposes.

Duties.

Inspectors.

2. *And be it enacted*, That the inspectors of election elected at the last general election for State and county officers, or at any future election for such officers, shall preside at and conduct the election at the next ensuing annual town meeting in said township respectively.

Plurality vote.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officers at such election, and to determine the amounts of money to be raised or specified for any particular purpose; and in case of a tie vote, or a neglect or refusal of any officer elected to serve, the township committee shall have power to fill such vacancy at their next meeting after such election, and to decide between those having an equal number of votes, and to determine the amount or amounts of money to be raised.

Tie vote.

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

Approved February 7, 1871.

CHAPTER XXVI.

A Supplement to the act entitled "An act to incorporate the Morristown Institution for Savings."

Vacancies, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of a vacancy in the board of managers caused by death, removal or refusal to serve, or any other cause, such vacancy may be filled by the remaining managers, by ballot, at any regular annual meeting, or at any special meeting called for that purpose;

Provisos.

provided, that at least five days' notice shall be given of such meeting by publishing in one newspaper in Morris county, and of the purpose for which it was called; *and provided also*, that no person shall be elected such manager by a less number of votes than a majority of the whole number of managers required by said original act.

2. *And be it enacted*, That section twelve of said original act, be and the same is hereby repealed. Repealer.

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

Approved February 14, 1871.

CHAPTER XXVII.

A Further Supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the Passaic river opposite the middle of Ferguson street, thence running westerly along the said Passaic river the several courses thereof to a point therein where a line extending southerly from the said Passaic river would strike the centre of Madison street; thence along the middle of said Madison street to the middle of Elm street; thence easterly along the middle of Elm street to the termination thereof; thence in the same course in a straight line to a point in the middle of Hamburg place; thence along the several courses of the line dividing the Fifth and Twelfth wards, as at present constituted, to the place of beginning, comprising a certain portion of the Fifth ward of the city of Newark, as the same is at present constituted, shall be and the same is hereby annexed to the Twelfth ward of the city of Newark, and shall constitute hereafter, together with that portion of the city of Newark at present constituting the said Twelfth ward of the city of Newark, and shall be subject to all the provisions of the "Act constituting the Twelfth ward of the city of Newark," approved February second, one thousand eight hundred and sixty, except so far as anything therein contained may be inconsistent herewith. Lines. Territory annexed.

Assembly district.

2. *And be it enacted*, That the Twelfth ward, as herein created and constituted, shall constitute and form a part of the Eighth Assembly District of the county of Essex; approved March twentieth, one thousand eight hundred and sixty-six.

Approved February 14, 1871.

CHAPTER XXVIII.

Supplement to the act entitled "An act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, one thousand eight hundred and thirty-eight.

Bonds may be issued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and they are hereby authorized to make and issue their bonds or other evidences of indebtedness, bearing interest at any rate not exceeding seven per centum per annum, in any sum not exceeding in the aggregate the sum of two millions of dollars, and to secure the same by mortgage on the whole or any part of the real estate, personal property or franchises held or owned by the said company; and to sell or dispose of the said bonds or other evidences of indebtedness at any price or rate they may be able to realize or obtain for the same, without the same being invalidated or any person or corporation being liable to any penalty or forfeiture by reason of the same having been sold at a less rate than par.

How secured.

How sold.

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

Approved February 14, 1871.

CHAPTER XXIX.

A Supplement to an act to incorporate the Vineland Safe Deposit Company, approved March eleventh, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said institution may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe; which shall be invested accordingly, and shall be repaid to the depositors at such times, and with such interest, and under such regulations as the board of directors shall, from time to time, prescribe; and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court. May receive money on deposit. Accept trusts.

2. *And be it enacted*, That the said institution 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, nor in bonds and mortgages, except on unincumbered real estate within the State of New Jersey, worth at least double the amount of the sum invested; but nothing in this section contained shall be construed to hinder the directors from investing a portion of their funds, not exceeding twenty-five per centum thereof, in temporary or call loans upon approved personal security. Investments, how made.

3. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor, duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his Deposits, how paid. Proviso.

Married women may deposit.

or her benefit; married women may deposit money in their own names and receive their interest thereon, and receive and withdraw the same; and such deposits shall not be subject to the control of the husband, nor liable for his debts, nor shall money deposited by single women be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

May act as agents.

4. *And be it enacted*, That the said company are hereby authorized to act as agents for the purpose of insuring, registering or countersigning the certificates of stocks, bonds or other evidences of debt of any corporation, association, municipality, State or public authority, on such terms as may be agreed upon; and that the capital stock and funds of said corporation may be invested and re-invested in, and loans made upon bonds and mortgages on real estate, and the bonds of the United States; and that said corporation may act as agents for the negotiating of loans, investing of moneys, collecting of rents for any individual or corporation, and may receive such commission for the transaction of said business as may be agreed upon by said parties.

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

Approved February 14, 1871.

CHAPTER XXX.

An Act to incorporate the Mutual Agricultural Association of the counties of Union and Middlesex.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Laing, John Rosell, Daniel Hetfield, Andrew J. Bache, Stephen A. Ryder and others, their associates and successors, be and they are hereby created a body politic and corporate by the name,

Corporate name.

style, and title of "The Union and Middlesex Counties Mutual Agricultural Association," and by that name shall sue and be sued and generally possess the powers and provisions of a corporation.

2. *And be it enacted*, That the capital of the said association shall be not less than five thousand dollars nor more than fifty thousand dollars, divided into shares of two hundred and fifty dollars each. Capital stock.

3. *And be it enacted*, That the members of said association shall have the right, at their first or any subsequent meeting, to establish such by-laws for the government of the association as they may deem expedient, which shall not be inconsistent with the constitution of the United States, the laws of this State, or the provisions of this act. By-laws.

4. *And be it enacted*, That at all meetings or elections held by said association each share shall entitle a member to one vote, and that at elections for directors members may vote by proxy. Votes, how cast.

5. *And be it enacted*, That the members shall, from time to time, determine the number of their directors and officers, and shall clothe them with such power not inconsistent with the provisions of this act, as they may deem expedient. Directors.

6. *And be it enacted*, That the object of said association shall be to provide, keep, and maintain, in the county of Middlesex and Union, grounds and other real and personal estate, not exceeding in extent one hundred acres, suitable for agricultural, floral, or mechanical exhibitions, and that for the improvement of the breed of horses and cattle, the said association are authorized to hold exhibitions for the development of the speed or other desired qualities, and to encourage and incite competition therein, they may offer and give premiums for superiority in the objects sought for; such premiums, however, not to exceed the surplus net revenue of the association in any one fiscal year. Objects. Powers.

7. *And be it enacted*, That the said association shall have the right and power to charge a fee for admission to such exhibitions; the amount of said fee to be fixed from time to time as the directors may deem proper. May charge fees.

8. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors shall from time to time be divided amongst the stockholders, but no dividend shall be declared which will impair the capital of the association. Profits, how divided.

9. *And be it enacted*, That the directors shall be elected by ballot by the members of the said association, at such time and place as shall be agreed upon by a majority of the corporators named in the first section, after giving at least Directors, how elected.

Notice of election to be given.

one week's public notice thereof, in at least one newspaper published in the city of Plainfield; and the directors, who shall be elected at that time shall hold their offices until the first Monday in May next following, or until their successors shall have been chosen; and on the first Monday in May of each year thereafter, there shall be a meeting of the members, at which meeting there shall be an election for directors of the association, who shall continue in office for one year, or until their successors shall have been chosen; said election to be held at such hour and place as the by-laws shall determine; the officers of the association shall be chosen by the board of directors from their own number at a meeting to be held within one week after their election.

Terms of. When elected.

Officers.

Special meetings

10. *And be it enacted*, That special meetings of the members may be called by the board of directors at any time, and shall likewise be called by the president at the request, in writing, of five (5) members; one week's notice of such meeting shall be previously given by the secretary as aforesaid.

Members, how assessed.

11. *And be it enacted*, That the board of directors of the said association shall have power to assess upon each member a sum not exceeding ten dollars per annum on each share of stock owned by him, and if the same shall not be paid at such time as the board of directors may direct, the privileges of membership of the non-paying members, and the right of transferring his stock, shall be suspended until assessment shall be paid; and if any assessment or assessments shall not be paid within two years after such assessment or assessments shall become due, then except in case of absence during the entire assessment year (which shall exempt the absentee from the assessment) the share of stock on which the said assessment or assessments shall remain due and unpaid, may be forfeited by the board of directors and sold at public auction for the benefit of the association; and any excess of net proceeds arising from said sale shall be paid to such person, his heirs or assigns, on whose account the share has been sold; *provided*, that at least sixty days' notice shall be given of an assessment being payable, and at least sixty days' notice to the non-paying member, his heirs or assigns, before any sale shall be made under a forfeiture.

Privileges of. May be suspended.

Stock forfeited.

Proviso.

12 *And be it enacted*, That the association shall be, and they are hereby authorized to admit, under and subject to

such mode of election and rules and regulations as may be prescribed by the by-laws, annual subscribers who shall pay in advance such sum as may be fixed by the board of directors; and for this they shall be allowed the privilege of admission to the grounds and premises of the association, in like manner and under such restrictions as are provided in the case of members; *provided, however*, that nothing shall be construed to give said annual subscribers any authority in the administration of the affairs of the association. Annual subscribers. Privileges. Proviso.

13. *And be it enacted*, That the association shall have the right and power to enact and enforce by-laws prohibiting gambling, selling or using intoxicating drinks upon the premises of the association, and to eject from the premises all disorderly persons, or persons violating the rules of the association. Power.

14. *And be it enacted*, That the association shall have the right to elect honorary members, who shall be entitled to such privileges as the by-laws may provide. Honorary members.

Approved February 14, 1871.

CHAPTER XXXI.

An act to incorporate the Central Savings Bank, of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel McLeod, Herbert R. Clarke, Seth G. Babcock, Richard H. Westervelt, Henry Fitch, Alexander Bonnell, Amedee Spadone, Nicholas S. Vreeland, James Stevens, Henry Dusenberry, John Van Horne, Jr., Henry J. Carr, John McIlroy, Isaac S. Taylor, James Wilkinson, Daniel Van Winkle, John V. R. Vreeland, Harrison Price, Louis J. Apgar, Samuel R. Forman, John S. Sutphen, William Frost, William H. Speer, Edward P. Buffett and Orrin Ward, be, and hereby are constituted a body corporate and politic, by the name of "The Central Savings Bank of Jersey City," and by that name shall have perpetual succession, and be capable of suing and being sued, defending and being defended in all courts and places Names of corporators. Corporate name. Powers.

whatsoever, and may have a common seal, which may be changed and renewed at pleasure; and by that name shall be capable of acquiring, holding, enjoying, leasing, selling and conveying real estate; first, such as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it, in good faith, for money loaned under the provisions of this act; and third, such as shall have been purchased by it at sales upon judgments, or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose; and the said corporation may acquire, hold and enjoy any goods, chattels or personal estate necessary for the convenient transaction of its business, and may sell and transfer the same, or any part thereof.

May hold real estate.

Place of business

2. *And be it enacted*, That the office or place of business of the said corporation shall be in Jersey City, and that the business of said corporation shall be conducted by nine trustees, all of whom shall be residents of Jersey City, and a majority of whom shall be a quorum for the transaction of business; the first trustees shall be elected by ballot, by the aforesaid incorporators, from their own number, at an election to be held by them for that purpose, at which election a majority of the votes cast by the incorporators present, and voting, shall be necessary for and shall determine the choice of each trustee; the trustees then and so elected, and their successors thereafter elected, shall choose, by the vote of a majority of their whole board, one of their number as president, and one as vice-president of the said bank, and shall have power to appoint, by the like vote, a secretary, treasurer and such other officers as to them shall appear necessary for the proper conduct of the business of said bank; which officers, so chosen and appointed, shall, except in case of malfeasance in office, or conduct detrimental to the interest of the said bank, continue in office one year, and until others are chosen or appointed in their stead; and all officers so chosen or appointed shall, respectively, be under oath for the faithful performance of their respective duties, and shall give security for the faithful performance of their respective duties in such sums, and in such securities as may be directed by the trustees; and in case of malfeasance in office, or conduct detrimental to the interests of the said bank, any officer may be removed from office by vote of a

Trustees, how chosen.

Officers.

Terms of.

Security.

May be removed.

majority of all the trustees; whenever any trustee shall have failed to attend four regular meetings of the board of trustees, or to perform the duties devolving upon him as a trustee, for the space of four months, without excuse satisfactory to the board, the said board may, by a majority vote, declare his position vacant, in which case, and in all other cases of vacancy in said board, whether occasioned by death, resignation, removal from the said city, or otherwise, the said board shall have power to fill such vacancy by the vote of a majority of all the trustees remaining in office.

Vacancies, how filled.

3. *And be it enacted*, That the said trustees shall, from time to time, have power to make, ordain and establish such by-laws as they shall deem proper for the election and appointment of officers, for prescribing their respective duties and the mode of discharging the same, for regulating the times and places of elections and meetings of officers and trustees, and for the transacting, managing and directing the affairs of the said bank; *provided*, such by-laws shall not be repugnant to the constitution and laws of this State, and of the United States; *and provided further*, that such by-laws shall not at any time be so altered as to injuriously affect any depositor who may have been a depositor previous to such alteration.

By-laws.

Regulations.

Proviso.

Proviso.

4. *And be it enacted*, That the said bank may receive on deposit 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 money shall be invested, but only in the manner hereinafter directed, and shall be repaid to the depositors or their legal representatives, at such times, and with such interest, and under such regulations as the trustees may, from time to time establish; and the said bank may accept and execute all trusts of every description, which may be committed to it by any person or persons, or body corporate, by will or otherwise, or which may be transferred to it by the order of any court.

May receive deposits.

Accept trusts.

5. *And be it enacted*, That the said bank shall not be required to receive on deposit a less sum than twenty-five cents, nor to allow interest on any deposit until it shall amount to five dollars, nor to allow interest on the fractional part of a dollar, nor for the fractional part of a month.

Amount of deposits.

6. *And be it enacted*, That it shall be the duty of the trustees to regulate the rate of interest to be allowed to the

Rate of interest.

depositors, so that they or their legal representatives shall receive a ratable proportion, as near as may be, of the profits of the said bank, after deducting there from all necessary expenses and a reasonable surplus or contingent fund;

Proviso. *provided*, that such rate of interest may, at the discretion of the trustees, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Funds, how invested. 7. *And be it enacted*, That the said bank shall invest no money, except upon the public stocks or bonds of the United States and of this State, the securities of the county of Hudson, in this State, and the securities of the incorporated cities and towns in said county, the issue of which is or shall be authorized by law, and bonds and mortgages upon unencumbered real estate located in the said county of Hudson, and worth at least double the amount or sum invested; nor shall any temporary loans be made by said bank, except upon the above mentioned securities, and those of the city, county and State of New York as collaterals.

Certificates of deposit. 8. *And be it enacted*, That all certificates or other evidences of deposit made under the hand of the proper officer or employee of the said bank shall be as binding upon said bank as if made under its corporate seal.

Entries to be made. 9 *And be it enacted*, That all deposits and other receipts and all payments and expenditures shall be forthwith regularly entered upon the books of said bank, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit and payment shall be duly entered as soon as made.

Representatives may be designated. 10. *And be it enacted*, That a book shall be kept at the office of said bank, in which every depositor shall be at liberty, under his or her hand, to designate some person or persons to whom, in the event of his or her death, his or her deposit, with the interest accrued and due thereon, shall be paid, if not otherwise disposed of by will; and all payments made to such person or persons so designated shall be a full discharge to said bank to the full amount of such payments; and should no such designation be made in such book, the amount due to any depositor failing so to designate shall, upon his or her death, be paid to his or her legal representatives.

11. *And be it enacted*, That the said bank may receive

any deposit or deposits of money from any married woman or women, or from any single female who may afterwards marry, and may hold the same, together with the interest which may accrue thereon, as the sole and separate property of the depositor thereof, as if she was unmarried, not subject to the control nor liable for the debts of her husband, and the repayment of the same upon the order, check or receipt of the depositor, even though without the knowledge or consent of her husband, shall exonerate and discharge the said bank from any further liability respecting such deposit or deposits, and the accrued interest, if any thereon, to the full amount so repaid. Married women may deposit

12. *And be it enacted*, That the said bank may at the discretion of its trustees pay to any depositor being a minor such sum as may be due to such depositor, notwithstanding, that no guardian may have been appointed for such depositor, and the receipt or acquittance of such minor shall be as valid as if executed by a guardian duly appointed; *provided*, that the deposit due such minor shall have been made by such minor in person, and not by any other person for his or her benefit. Minors, how paid. Proviso.

13. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the trustees of said bank, or any of them, for their services as such trustees; nor shall the said bank issue any notes or bills; nor shall any trustee or other officer, directly or indirectly, borrow any money from said bank or use any of the funds thereof, except to pay the necessary expenses of said bank; nor shall the bank take or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any trustee or other officer of the said bank. No pay to trustees. Issue no bills. Restrictions.

14. *And be it enacted*, That it shall be the duty of the trustees of said bank to make an annual report of the state of its finances as appearing at the close of business upon the thirty-first day of December in each year, to the comptroller of this State under the oaths or affirmations of the treasurer and three or more of the trustees of said bank, which report shall be made in the month of January in each year, and shall be published in one or more of the newspapers published in Jersey City; and the books of the said bank shall at all times during business hours be subject and open to the inspection of the comptroller of this State, and such Reports to be made. Books to be open to inspection.

other person or persons as the Legislature may at any time appoint for that purpose.

Public act. 15. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed in all courts favorably and benignly for every beneficial purpose therein included or intended, and that no misnomer of the said bank in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; Proviso. *provided*, the said bank shall be described therein to ascer- Proviso. tain the intention of the parties; *and provided further*, that the Legislature may at any time amend, modify or repeal this act.

16. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved February 14, 1871.

CHAPTER XXXII.

An Act to incorporate the Vineland Farmers' Club.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That D. B. Hinman, H. Z. Ellis, E. C. Wells, T. Finn, H. B. Alvord and Ira S. Thomson, and such other persons as now are or may become members of the society hereby incorporated, their successors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by Corporate name. the name, style and title of "The Vineland Farmers' Club," and by that name they and their successors shall have per- Powers. petual succession, with power to have, use, and adopt a common seal, and to alter and change the same at any time; to sue and be sued, to defend and be defended in all courts of law and equity, and the said society shall be capable of purchasing, holding and leasing, selling, conveying or receiving by donation, devise or bequest, any lands, tenements or personal estate whatsoever, and to raise loans upon the same by mortgage or otherwise; and that the office of said company shall be in the county of Cumberland.

2. *And be it enacted*, That the object of this society shall

be to increase and disseminate knowledge on all subjects connected with agriculture, horticulture, floriculture, and domestic economy, and to encourage a practical application of the same by lectures, discussions, exhibitions, and in such other ways as the society shall deem proper, and to further promote these interests by literary and musical exercises. Objects.

3. *And be it enacted*, That the said corporation shall have power to make and establish, from time to time, such constitution, by-laws, rules and regulations as they shall judge proper for the admission and expulsion of its members, for the election, time of service and duties of its officers, and for the collection of admission fees, fines or assessments from the members thereof. By-laws.

4. *And be it enacted*, That the officers of said society shall consist of a president, vice president, recording secretary, corresponding secretary, treasurer, librarian and collector, and such other officers as said corporation, or the members thereof, may think proper from time to time to appoint; the said president, vice president and secretaries, treasurer, librarian and collector, and such other officers as may be for the time being, shall constitute a board of directors of said corporation, and shall hold their offices for six months, or until their successors shall be chosen in their stead. Officers. Directors.

5. *And be it enacted*, That the officers of said society shall be elected at the semi-annual meetings of said society, which shall be holden on the first regular day of meeting in May and November of each and every year hereafter. Election of.

6. *And be it enacted*, That in case an election for officers shall not take place upon the day herein designated for that purpose, the corporation shall not for that cause be deemed dissolved, but the members of said society may proceed to hold an election on any other day, two weeks' previous notice of time and place of said election having first been published in a newspaper of said county. Not to dissolve.

7. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act of any of said officers, such vacancies shall be filled for the remainder of the term in which they may happen, by the said board of directors, or a majority of them, who shall hold their offices until the next semi-annual meeting, and until others shall be chosen in their places. Vacancies, how filled,

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

Approved February 14, 1871.

CHAPTER XXXIII.

An Act to incorporate the New Jersey Club.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. Mullany, William F. Taylor, Dudley S. Gregory, Jr., Jeremiah B. Cleveland, B. S. H. Good, David H. Sherman, William H. Bumsted, Samuel McBurney, Abram Q. Garretson, and the other members of the New Jersey Club, be and they are hereby declared a body politic and corporate, in fact and in law, by

Corporate name.

the name and style of "The New Jersey Club," for the pur-

Objects.

pose of social intercourse among its members and providing them the conveniences of a club house.

Rules and privileges.

2. *And be it enacted*, That the said corporation may make such rules and regulations in reference to the admission, conduct and expulsion of members of said club and its management, as it may deem expedient; that all the rights and interest of a member in the property and privileges of the club shall cease with the termination of his membership.

May hold real estate.

3. *And be it enacted*, That the said corporation, by its corporate title of the New Jersey Club, may purchase, hold, possess and enjoy such real and personal estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and the recording of any mortgage on the real and personal property of the club shall be a lien thereon from the time of recording said mortgage in the office of the county clerk of Hudson county, where the real and personal estate of said club is situate.

Regulations.

4. *And be it enacted*, That the affairs and business of said club shall be managed by such officers and in such way and manner, and subject to such regulations as shall from time to time be agreed upon by said corporation.

Taxes.

5. *And be it enacted*, That all the real and personal property of said club shall be taxed the same as the real and personal property of an individual, and not otherwise.

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

Approved February 14, 1871.

CHAPTER XXXIV.

A Supplement to an act entitled "An act to incorporate the People's Gas Light Company, of the cities of Hudson and Bergen, and places adjacent," approved April eighth, one thousand eight hundred and sixty-eight.

WHEREAS, the cities of Hudson, Bergen and Jersey City have become consolidated, and are now called Jersey City; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The People's Gas Light Company of the city of Hudson," shall hereafter be called and known as "The People's Gas Light Company of Jersey City," and may change their corporate seal to conform to this new title. Title.

2. *And be it enacted*, That the rights, privileges, contracts, franchises and proceedings of the said "The People's Gas Light Company of the city of Hudson," be and the same are hereby continued and declared valid and effectual in law and equity, in the name of "The People's Gas Light Company of Jersey City." Privileges.

3. *And be it enacted*, That the capital stock of the said company, the name whereof is hereby changed to "The People's Gas Light Company of Jersey City," may be increased, upon the consent of the stockholders representing a majority of the stock, to any amount not exceeding one million of dollars. Capital stock may be increased

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

Approved February 14, 1871.

CHAPTER XXXV.

A Supplement to an act entitled "An act to incorporate the Union County Dime Savings Bank," approved March fifteenth, eighteen hundred and seventy.

Number of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of the Union County Dime Savings Bank, be empowered to increase their number to, and not exceeding twenty-five, and that seven trustees shall constitute a quorum for the transaction of business.

May receive trusts and deposits.

2. *And be it enacted*, That the board of trustees of the said corporation, shall be authorized to receive as a trust fund, or otherwise, any sum of money, that may from time to time, be offered for deposit.

Repealer.

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

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

Approved February 14, 1871.

CHAPTER XXXVI.

An Act to repeal "An act to regulate fishing with seines in Atlantic county."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Act to regulate fishing with seines in Atlantic county," approved March seventeenth, one thousand eight hundred and seventy, be and the same is hereby repealed.

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

Approved February 14, 1871.

CHAPTER XXXVII.

A Supplement to "An act concerning Roads."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any road district in the county of Middlesex, at their annual meeting for the election of overseers, are hereby authorized to raise any such additional money, over and above the township appropriation, for the making and repairing of roads in such districts as they may deem necessary for the ensuing year, said tax to be assessed and collected in the same manner as other taxes are assessed and collected; *provided*, that a notice of such intention, signed by five freeholders residing within the district, shall have been put up in three public places, within such district, at least five days before such meeting, and that the additional amount of money so voted to be raised, shall not exceed four times the amount of the township appropriation for the working of roads in such district the year before, unless a majority of the inhabitants of such district subject to such tax, shall consent to a greater amount. May raise money. How assessed and collected. Proviso.

2. *And be it enacted*, That all overseers of roads in said county, are authorized to pay any hired laborer or teams, for repairing roads in said county, the regular wages paid for similar kinds of labor at the time. Overseer may hire teams.

3. *And be it enacted*, That any inhabitant of said county, liable to road tax, who shall transplant, by the side of the public highway, any forest shade trees of suitable size, shall be allowed by the overseers of roads, in abatement of his (or her) road tax, one dollar for every four trees set out, at least fifty feet apart; but no allowance shall be made, unless such trees shall have been set out the year previous to the demand for said abatement of tax, and are living, and well protected from animals at the time of such demand. Trees may be planted. Compensation for.

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

Approved February 14, 1871.

CHAPTER XXXIX.

An act to revise and amend the charter of the city of Camden.

TITLE I.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Camden lying and contained within the following bounds, that is to say: beginning at a point in the river Delaware as far westerly as the jurisdiction of the State of New Jersey extends, opposite to the mouth of a stream of water called Newton creek, running thence easterly to the mouth of said Newton creek, and thence up the centre of said creek, the several courses thereof, to the north branch of said Newton creek; thence following the centre of said north branch of said Newton creek, its several courses thereof, to the middle of the Mount Ephraim turnpike road; thence in a northwesterly course along the middle of said Mount Ephraim turnpike road to the intersection of said Mount Ephraim turnpike road and the Stockton and Newton turnpike road, also known as Kaighn's Point and Ferry road; thence along the middle of the said Stockton and Newton turnpike road in a northeasterly direction to the middle of the White Horse turnpike road; thence northeasterly along the middle of the said Stockton and Newton turnpike road to the middle of the Haddonfield turnpike road; thence in a northeasterly direction in a straight line with the middle line of the said Stockton and Newton turnpike road to the middle of Cooper's creek; thence down the middle of said creek in a northwesterly direction along the several courses thereof to the river Delaware; thence due north to the middle of the channel between Petty's Island and the Jersey fast land or shore; thence due west to a point as far west as the jurisdiction of the State of New Jersey extends; thence down the Delaware river on a line as far westerly as

the jurisdiction of the State of New Jersey extends, to the place of beginning; and all the citizens of this State, residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The City of Camden," and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall have a common seal, and alter the same at their pleasure; and also by their corporate name aforesaid shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said city of Camden 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 said city of Camden, as now incorporated by the same name, viz: "The City of Camden," according to such estate and interest as the said the city of Camden at the time of the passage of this act has, or of right ought to have, in the same.

Corporate name.

Powers and liabilities.

2. *And be it enacted*, That the city shall be divided into eight wards, the boundaries of which shall be as follows:

Number of wards.

I. All that part of the city bounded as follows: beginning at the point of intersection of the middle lines of Fourth and Plum streets, in the said city; thence westward along the middle line of Plum street, and continuing the same to the westward limits of said city; thence northward along said westward limit, and eastward along the northern limit, to the middle line of Fourth street (extended); thence along said middle line of Fourth street southward to the place of beginning, shall constitute the First ward of said city;

First ward. Boundaries.

II. All that part of said city enclosed within the following described lines of boundary, to wit: beginning at the point of intersection of the middle lines of Fourth and Plum streets, in said city; thence eastward along the middle line of Plum street to the middle line of Federal street; thence still eastward along the middle line of Federal street to the

Second ward. Boundaries.

eastern boundary of said city in Cooper's creek; thence northward and westward along the northeastern boundary of said city to the middle line of Fourth street (extended); thence along said middle line of Fourth street southward to the place of beginning, shall be the Second ward of said city;

Third ward. Boundaries.

III. All that part of said city enclosed within the following described lines of boundary, to wit: beginning at the point of intersection of the middle line of Fourth and Plum streets, in said city; thence along said middle line of Fourth street southward to the middle line of Line street; thence westward along the middle line of Line street, and in continuation thereof to the westward boundary of the said city in the river Delaware; thence up the said river along said western boundary to the extended middle line of Plum street; thence along said line eastward to the place of beginning, shall be the Third ward of said city;

Fourth ward. Boundaries.

IV. All that part of said city enclosed within the following described lines of boundary, to wit: beginning at the point of intersection of the middle lines of Fourth and Plum streets, in said city; thence along said middle line of Fourth street southward to the middle line of Line street; thence along the middle line of Line street eastward to the middle line of Broadway; thence southward along the middle line of Broadway about twenty feet to the middle line of Franklin street; thence along the middle line of Franklin street eastward to the middle line of Newton avenue; thence along the middle line of Newton avenue northeastwardly to the middle line of Federal street; thence along the middle line of Federal street westwardly to the middle line of Plum street; thence along the middle line of Plum street, still westward, to the place of beginning, shall be the Fourth ward of said city;

Fifth ward. Boundaries.

V. All that part of said city enclosed within the following described lines of boundary, to wit: beginning at the point where the middle line of Fourth street (as said Fourth street is laid and opened southward from Line street) meets the middle line of Line street; thence southward along the middle line of Fourth street to the middle of Little Newton creek; thence westward along the middle of said creek to the southwesterly side of the Stockton and Newton turnpike road; thence westerly along the middle of said creek to the mouth of the same; thence westerly along the southern

boundary of said city to the western boundary of said city in the river Delaware; thence up said river northward to a point in the extended middle line of Line street; thence eastward along the said middle line of Line street to the place of beginning, shall be the Fifth ward of said city;

Sixth ward. Boundaries.

VI. All that part of said city enclosed within the following described lines of boundary, to wit: beginning at the point where the middle line of Fourth street (as said Fourth street is laid and opened southward from Line street) meets the middle line of Line street; thence eastward along the middle line of Line street to the middle line of Broadway; thence southward along the middle line of Broadway, about twenty feet, to the middle line of Franklin street; thence eastward along the middle line of Franklin street to the middle line of Newton avenue; thence along the middle line of Newton avenue southwestwardly to the middle line of Broadway; thence along the middle line of Broadway southwardly to the middle of Little Newton creek; thence along the middle of said creek westwardly to the middle line of Fourth street aforesaid; thence along the middle line of Fourth street northward to the place of beginning, shall be the Sixth ward of said city;

Seventh ward. Boundaries.

VII. All that part of said city enclosed within the following described lines of boundary, to wit: beginning at the point where the middle line of Kaighn's Point avenue intersects the middle line of Broadway, and extending in an easterly direction along the middle of Kaighn's Point avenue to the middle of the Haddonfield turnpike road; thence in an easterly direction on a straight line with the middle of said Kaighn's Point avenue to the middle of Cooper's creek; thence in a northwesterly direction along the middle of said creek and the several courses thereof to the middle line of Federal street; thence westerly along the middle line of Federal street to the middle line of Newton avenue; thence along the middle of said Newton avenue in a southwesterly direction to the middle line of Broadway; thence in a southerly direction along the middle line of Broadway to the place of beginning, shall be the Seventh ward of said city;

Eighth ward. Boundaries.

VIII. All that part of the said city enclosed within the following described lines of boundary, to wit: beginning at a point where the middle line of Kaighn's Point avenue intersects the middle line of Broadway; thence southerly

along the middle line of Broadway to the middle of Little Newton creek; thence westerly along the middle of said creek to the river Delaware, as far westerly as the jurisdiction of the State of New Jersey extends; thence southerly along the boundary of the State of New Jersey in said Delaware river to a point in said Delaware river opposite the mouth of a stream of water called Newton creek, and running thence easterly to the mouth of said creek, being the southern boundary of said city; thence easterly along the said southern boundary of said city to the middle of Cooper's creek; thence down the middle of said creek in a northwesterly direction, along the several courses thereof, to a point where the extended middle line of said Kaighn's Point avenue intersects the middle of said creek; thence westerly along said line (being the southerly line of Seventh ward) to a point where the middle line of Kaighn's Point avenue intersects the middle line of the Haddonfield turnpike road; thence westerly along the middle line of Kaighn's Point avenue to the place of beginning, shall be the Eighth ward of said city;

Line of streets.

The line of the streets herein referred to being the said lines as the same now are.

TITLE II.

ELECTION, APPOINTMENT AND RENEWAL OF CITY AND WARD OFFICERS.

City officers.

3. *And be it enacted*, That there shall be in and for the said city one mayor, one treasurer, one city solicitor, who shall have been admitted to practice as an attorney and counsellor-at law in the supreme court of the State of New Jersey, one city surveyor, one receiver of taxes, one recorder, twenty-four councilmen and eight aldermen, all of whom shall be citizens and residents of said city, and who shall hold their offices respectively for the term of three years, except as hereinafter provided.

Terms of.

Elections.
Time and place of.

4. *And be it enacted*, That an election by ballot shall be held annually on the second Tuesday of March, in each of the wards of said city, at such place as the city council of the city of Camden shall appoint, between the hours designated by or pursuant to law for holding the election for

members of the Senate and General Assembly of this State, of which time and place the city clerk shall cause public notice, either printed or written, to be set up in five public places in each ward of said city, and to be published in two or more of the newspapers printed therein, at least one week previous to the day of such election. Notice to be given.

5. *And be it enacted*, That at the first election to be held after the passage of and pursuant to this act on the second Tuesday of March next, and every third year thereafter, there shall be elected by ballot in and for said city one mayor, one receiver of taxes, eight aldermen, one from each ward, and one recorder, who shall hold their offices respectively for the term of three years, and until others are chosen and qualified in their stead; and at said election, to be held on the said second Tuesday of March next, there shall be elected in and for each of the Seventh and Eighth wards of said city from among the citizens residing therein and entitled to vote at such election, three councilmen in each ward, one for one year, one for two years, and one for three years; and at the election at the time aforesaid, there shall be elected in and for each of the First, Second, Third, Fourth, Fifth and Sixth wards in said city from among the citizens residing therein and entitled to vote at such election, one councilman, who shall hold his office for the term of three years, and every year thereafter there shall be elected in and for each of the wards of said city from among the citizens residing therein and entitled to vote at such election, one councilman, who shall hold his office for the term of three years; and that the members of the present city council of said city of Camden, elected from the citizens of the First ward, Second ward, Third ward, Fourth ward, Fifth ward and Sixth ward, as herein described, shall be and continue as members of the city council for the said wards respectively, for the term for which they were severally elected; and at the election at the time aforesaid, and every year thereafter, there shall be elected in and for each of the wards of said city, from among the citizens residing therein, and entitled to vote at such election, one assessor, one ward clerk, one reputable freeholder (commonly called chosen freeholder,) three judicious freeholders of good character, to hear and finally determine all appeals relative to unjust assessments in case of taxation in such wards, one constable, and one overseer of the poor, and such officers, Officers, election of. Classified. Ward officers.

judges or inspectors of registry and of election as are or may be by law provided for or required, or as in the absence of legal provision may be provided for by ordinance of the city council, all of which said ward officers shall hold their offices respectively for the term of one year, and until others shall be chosen and legally qualified in their stead; and the city solicitor and the city surveyor shall be appointed by the city council, by a majority vote, at their annual meeting next after their respective offices shall from time to time become vacant.

Board of education.

6. *And be it enacted*, That the board of education of the city of Camden shall consist of two trustees in and for each of the wards of said city, and that at the first ward election held after the passage of and pursuant to this act, one trustee of said board shall be elected by ballot for each of the First, Second, Third, Fourth, Fifth and Sixth wards of said city, who shall hold his office for the term of two years, and two trustees for each of the Seventh and Eighth wards, one for the term of one year and the other for the term of two years, and at every subsequent annual ward election afterwards held in said city, there shall be one person elected in each of the said wards as such trustee, who shall hold his office for the term of two years, and in case a vacancy shall occur in the office of any such trustees so elected, it shall be filled at the next annual ward election after such vacancy shall occur, for the unexpired term; and the trustees so elected shall constitute the board of education of the city of Camden, and shall individually and collectively have and possess the qualities and powers, perform the duties and be subject to the liabilities now by law given to or imposed upon said board and the members thereof; *provided*, that the present members of the said board of education of said city, shall be and continue members of said board for the terms for which they were severally elected.

Trustees, terms of.

Powers of.

Proviso.

Aldermen.

7. *And be it enacted*, That the aldermen of said city shall hold their offices respectively for the term of three years, and be elected at the annual elections to be held in said city as often and whenever their offices shall expire or vacancies shall occur; and whenever a vacancy shall occur in the office of any of the said aldermen who may be hereafter elected in any of the said wards, the vacancy or vacancies, as the case may be, shall be filled at the next annual ward

election to be held in any such ward after such vacancy or vacancies shall occur.

Vacancies.

8. *And be it enacted*, That in case of the absence, death or refusal to serve, or other incapacity of either of the said officers, judges or inspectors of registry of election, or of the ward or district clerk, at the holding of the elections aforesaid, 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; that the ward or district clerk shall, at each of the polls, in addition to the duties now prescribed by law, write the name of each elector in a poll list to be kept at such election by him: the officers of election shall take the same oaths, be entitled to the like compensation, and the said election in all things be conducted, continued and concluded, as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties, as are or may be prescribed by the laws regulating the elections of members of the Senate and General Assembly of this State.

Clerks. Duties of.

Who may vote.

9. *And be it enacted*, That every person who is entitled by the laws of this State to vote at an election for members of the Legislature of this State, in either of the wards of said city, shall be entitled to vote at any election under this charter in the ward in which he is so entitled to vote for members of the Legislature, but not elsewhere, for all or any of the officers to be chosen at such election.

Votes, how counted. Certificates to be made.

10. *And be it enacted*, That immediately after closing the polls at every city election, the judges of election, or persons authorized to perform the duties of such judges, in each ward, shall count the votes given for the several candidates, and make a certificate thereof under their hands, and on the second day after the said election, shall deliver the same to the city clerk; the said judges or persons shall constitute a board of canvassers of said election, and shall meet at the city clerk's office, at two o'clock in the afternoon of said day, and a majority of them being present, shall proceed to make a statement of the result of said election as shown by said certificates, which shall be signed by said board, or a major part of them, and attested by the city clerk, who shall be the clerk of said board, and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for respectively; and the city clerk shall file the original

Canvassers

certificates from the wards in his office, and lay the statement made by the board of canvassers before the city council at their first meeting thereafter, and the same shall be by them filed in said clerk's office; and the said clerk shall immediately send a notice of his election to each of the persons so elected; and if at any election for officers authorized by this act any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be deemed to be vacant, and shall be filled as hereinafter provided.

Persons elected to be notified.

Tie vote.

Who eligible.

11. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward unless he shall be an elector and r esident of such ward; and when any officer elected at any such election under this act, shall cease to reside in said city, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant.

Terms of office, when to begin.

12. *And be it enacted*, That the term of office of the chosen freeholders and justices of the peace of the several wards of said city shall commence and expire at the time or times provided by law; and the term of office of all other officers elected at the annual city election as herein provided, shall commence on the Friday succeeding the day of election each year.

Vacancies, how filled.

13. *And be it enacted*, That if at any annual election in said city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for for said office shall be designated on the ballot; and if any person who shall be elected to any office at the annual city election shall not qualify, according to law, for the space of thirty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify, according to law, for the space of thirty days after such election or appointment, his office shall be deemed vacant.

Council may appoint.

14. *And be it enacted*, That in case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward, of any of the officers thereof elected under this act, or any vacancy in any office, (except justices of the peace,) it shall be lawful for the city council to appoint others in their stead until th

next city election, or in case of appointed officers, until the regular period for appointment, who shall, during the said term, perform the like services, be entitled to the same fees, and be subject to the same responsibilities, as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the city council at its next meeting thereafter. Proviso.

15. *And be it enacted*, That all elections hereafter to be held in the said city for officers of the county of Camden, and for members of Congress and electors of President and Vice President of the United States, or for any officer or officers of the State or general government shall, unless otherwise provided for by law, be held in the several wards of said city, at the places therein appointed by the city council, and on the day or days which now are or hereafter may be by law designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this State, and the judges, inspectors of registry, or other officers of election elected or appointed as aforesaid for the several wards shall preside at and conduct all such elections; and the city clerks of said wards shall be clerks of such election in their respective wards; every person in said city entitled to vote at such election shall vote in the ward wherein he is by law so entitled at the time of such election, and not elsewhere; and such election shall be conducted according to the laws of this State regulating elections; and that the first election to be held in pursuance of this act for the election of city and ward officers, shall be held at such places as shall be designated by the present city council of the city of Camden, and that the officers of election elected or appointed for the second election district or precinct of the North ward shall be the officers of election for the First ward of said city, and that the officers of election elected or appointed for the first election district or precinct of the North ward shall be the officers of election for the Second ward of said city; and that all the officers of election elected or appointed for the second election district or precinct of Middle ward shall be the officers of election for the Third ward of said city; and that the officers of election elected or appointed for the first election district or precinct of Middle ward shall be the officers of election for the Fourth ward of said city; and that the

Elections.

Polls, when opened.

Who to hold.

Who may vote.

First election, where held.

Officers designated.

officers of election elected or appointed for the second election district or precinct of South ward shall be the officers of election for the Fifth ward of said city; and that the officers of election elected or appointed for the first precinct of South ward shall be the election officers of the Sixth ward of said city; *provided*, that none of such officers shall become disqualified from acting as such officers of election; and that the present city council of the city of Camden shall appoint the officers of election for the Seventh and Eighth wards of said city for such elections, and shall provide ballot or election boxes for said wards.

Proviso.

Oaths of election officers.

16. *And be it enacted*, That the said judges and inspectors or other officers of election shall take the same oaths, and conduct such elections, and make returns thereof, except as hereintofore provided in reference to the annual city election, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same power and authority, entitled to the same compensation and perform the same duties, and be subject to the same penalties as the like officers of the townships of this State are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency or refusal to serve of any of the said officers of election at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this State; and the clerks of the said wards respectively, shall procure election boxes for the use of their wards, in such manner and of such description as are required to be procured by the township clerks of this State, and be subject to the same penalties as township clerks are subject for neglecting to procure such boxes and keeping them in repair.

Powers and duties of.

Vacancies.

Penalties.

City clerk.

17. *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 clerk so appointed shall be ex-officio clerk of the city council, and in case a vacancy shall occur in said office at any time, the city council shall have power to fill the same for the unexpired term; also that the said city council shall have power, when assembled from time to time, to elect and appoint and prescribe the duties of, and under such regulations, conditions, restrictions as they shall think

City council, powers of.

proper, such other and all other subordinate officers of the said city, as well such as are in this act named, and whose appointments or elections are 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, conjointly with the police committee of the city council, to appoint the police officers and watchmen of the city; *and provided also*, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city, from among themselves. Proviso. Proviso.

18. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the city council, shall, before he enters upon the duties of such office, take and subscribe before the mayor, recorder, city clerk, or one of the aldermen of said city, or a justice of the peace, who are hereby authorized to administer the same, an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths or affirmations as may be required by the laws of this State; all such oaths or affirmations shall be filed by the city clerk in his office; the city treasurer, receiver of taxes, city solicitor and constables elected or appointed as aforesaid, and such other officers as the city council may require, shall, also, before entering upon their duties, each give bond to the city, in its corporate name, in such sum and with such sureties as the city council may approve, or as may be required by any act of the Legislature of this State, conditioned for the faithful performance of the duties of their respective offices; and if at any time the city council shall deem the sureties of any such officer insufficient, they shall require him to give additional security; that 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, one thousand eight hundred and forty-six, for constables' bonds of the townships of this State, as near as may be, making such alterations as may be necessary to make it apply to the wards of the city of Camden, which Officers, oaths of. To be filed. Bonds to be given.

said bonds, after the same shall be approved by the city council, 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 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.

To be recorded and filed.

Notice to be given.

19. *And be it enacted*, That the same notice in matters of election that the clerk of the county of Camden is required to give the clerks of the townships, shall be given to each of the clerks of the wards of said city.

Certain officers.

20. *And be it enacted*, That the assessors, ward clerks, the commissioners of appeal in all cases of taxation, the constables and overseers of the poor of each of the wards of the said city, 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 Camden, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township of the said county of Camden, as far as such powers and duties should be consistent with the provisions of this act; and that the members of the city council of the said city, collectively and individually, shall, in addition to their other powers and duties, 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.

Fees.

Penalties.

Powers and duties.

Oaths of office.

21. *And be it enacted*, That the clerk of the ward, assessor, commissioners of appeal in cases of taxation, overseers of the poor, and constables hereafter elected or appointed as aforesaid in any ward of said city, shall, before they enter upon the execution of their respective offices, severally take and subscribe before one of the justices of the peace, or the mayor, or the recorder, or one of the aldermen of the city, an oath or affirmation in the form now or hereafter prescribed by law for the like officer or officers in any township in the county of Camden, using the word "city" instead of the word "township," and introducing or embodying into said oath or affirmation the name of the ward for which the said officer shall have been elected as aforesaid, which oath or affirmation so taken and subscribed shall be delivered

forthwith to the clerk of the city, to be by him filed and preserved in his office; and in case any of the officers aforesaid shall fail to take such oath or affirmation within the time prescribed by law for taking the same, or shall neglect to file the said oath or affirmation with the clerk of the said city, his office for which he shall have been elected shall be deemed vacant. To be filed. Penalty.

22. *And be it enacted*, That any city or ward officer may be removed from office by resolution of the city council for malfeasance, nonfeasance in office, disability, or other good cause, shown upon complaints, in writing, to the city council, setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless four fifths of all the members of the city council shall vote for such removal. Officers may be removed. Proviso.

23. *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, to be entitled to the same compensation, and to 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. Commissioners of deeds.

TITLE III.

POWERS AND DUTIES OF THE CITY COUNCIL, AND TIMES OF HOLDING MEETINGS.

24. *And be it enacted*, That the members of the city council and the councilmen elected as aforesaid shall hold an annual meeting in said city on the Friday following the day on which the annual city election is held, 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 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. City council. Times of meeting.

President of.

25. *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, and in his absence may elect a president pro tempore.

Election returns.

26. *And be it enacted*, That the city council shall be the sole judge of the election returns, and qualifications of its own members, and keep a journal of its own proceedings.

Clerk of.

27. *And be it enacted*, That the city clerk shall be the clerk of the city council; he shall keep accurate minutes of the proceedings of the city council, and shall perform such other duties as may be prescribed for him.

Quorum.

28. *And be it enacted*, That a majority of the whole number of members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the president of the city council shall be

Special meetings

authorized to call special meetings of the city council when the public good shall in his opinion render it necessary; and on the request of eight members of the city council, one from each ward, in writing addressed to the president, it shall be his duty, or in his absence, it shall be the duty of the city clerk to call a special meeting.

Ordinances, how passed.

29. *And be it enacted*, That no ordinance shall be passed or repealed by the city council except with the concurrence of a majority of all the members of the city council, and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage, and no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced, except by a vote of two-thirds of the members of city council; and each and every ordinance so passed as afore-

Shall be published.

said, shall be published for two weeks, at least once in each week in the newspapers printed and published in the said

Proviso.

city before the same shall take effect; *and provided*, that whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper,

Powers.

30. *And be it enacted*, That the city council shall have power within the said city to make, establish, publish, and

modify, amend, or repeal ordinances, rules, regulations, and by-laws, for the following purposes:

Finances. I. To manage, regulate, and control the finances and property, real and personal of the city;

Vice and immorality. II. To prevent vice, drunkenness, and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages;

Gaming. III. To restrain and suppress disorderly and gaming houses, and houses of ill fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

Licenses. IV. To license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons or gardens, billiard tables and bowling alleys, and to prohibit the keeping of the same except by persons duly licensed;

Shows. V. To prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer;

Streets. VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said city, and prevent and remove all encroachments upon said streets, avenues, highways, lanes, and alleys;

May regulate and clean. VII. To regulate, clean, and keep in repair the streets, highways, avenues, lanes, and alleys, bridges, wharves, and docks in said city, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water courses, wharves or docks in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley in said city, or in digging up any street, avenue, highway, or alley for the purpose of laying down pipes or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming, and preserving of ornamental shade trees in the streets, avenues, parks, and grounds of the city, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the re-

Improvement of, to control.

moval of snow, ice or dirt, from the sidewalks and gutters by the owners or occupants of the premises fronting thereon;

To grade, &c. VIII. To widen, level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize or gravel the streets, avenues, highways and alleys of said city, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed;

Improving lots. IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city, which shall be deemed dangerous or unwholesome, or necessary to carry out any improvements authorized by this act, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, tract, pieces, or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected;

Expense of.

Obstructions. X. To prevent or regulate the erection of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same, where already erected, at the expense of the owner or occupant of the premises;

Fast driving. XI. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city, and designate the crossings at which any railroad company shall be required by the city council to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars;

Locomotives.

Droves. XII. To prohibit the driving any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the city on the first day of the week commonly called Sunday, and to regulate the same at other times;

Public grounds. XIII. To regulate, protect and improve the parks, public burial grounds, and other public grounds in said city;

Lamps and gas. XIV. To provide lamp and gas fixtures, and to light the streets, parks, and public places of every description in said city;

Wells and pumps. XV. To make and regulate wells, pumps, aqueducts, and cisterns in the public streets;

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding, and sale; Pounds.

XVII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; Dogs.

XVIII. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits, and vegetables, and to prohibit persons from selling such articles without licenses; Butchers and hucksters.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw, and other articles from wagons or other vehicles; Vendors.

XX. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said city; Frights.

XXI. To restrain and punish drunkards, vagrants, mendicants, and street beggars; Vagrants.

XXII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city; Board of health.

XXIII. To prescribe the manner in which all contracts for performing work, or furnishing materials for the city, shall be made and executed; Contracts.

XXIV. To abate or remove nuisances of every kind at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental, in the opinion of the sanitary committee or board of health appointed or established by said city council, to the health of the inhabitants of the city, to cleanse, remove, or abate the same from time to time, under the direction of the city council, as often as the said sanitary committee or board of health may deem necessary for the health of the inhabitants of the city, or in a summary manner, to cause the same to be done at the expense and proper cost of such owner or occupant, and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected in such manner as the city Nuisances.

council may by ordinance direct from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance;

Burials. XXV. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city, as the health, quiet and good order of the city may in their opinion require;

Licenses. XXVI. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles, used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, pedlers, pawn-brokers, junk shopkeepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to license and regulate merchants, storekeepers and shopkeepers, and to prohibit unlicensed persons from acting in such capacities;

Noises. XXVII. To regulate the ringing of bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Bathing. XXVIII. To regulate or prohibit swimming or bathing in the waters of or bounding the city;

Weights and measures. XXIX. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection;

Fire department. XXX. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation, to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

Buildings. XXXI. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordi-

nance, the building or erection of any dwelling house, store, stable or other building, of wood or other combustible material, to regulate the construction of chimneys and compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things, in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any city officer or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires, to regulate or prohibit the manufacture, sale or use of fireworks and the use of fire arms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphine, spirit gas, petroleum and other dangerous materials, and the use of candles and lights in barns, stables and other buildings; to raze or demolish any building or erection which by reason of fire, contagion or any cause, may become dangerous to human life or health, or tend to extend a conflagration; to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires in said city;

Furnaces, &c.

Fireworks.

Dangerous practices.

XXXII. To adopt all legal and requisite measures for levying and collecting the taxes;

Taxes,

XXXIII. To prescribe and define the duties of city and ward officers, where not otherwise prescribed by law, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties and the time for executing the same in cases not otherwise provided for by law;

Duties of officers.

Compensation of

XXXIV. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them for any service required of him by this act, or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided to be paid by the person or persons for whom such services shall be performed; *provided*, that the salary of the mayor shall not be fixed at less than one thousand dollars per year, nor shall the same be increased during the term of his office;

Proviso.

Sewers.

XXXV. To cause common sewers and culverts to be made, and to permit vaults to be constructed in any part thereof, under such regulations as said city council may deem proper, and to regulate the rate or price of supplying citizens of said city with water and the collection of the water rents due said city, and for the laying of water pipes within the bounds of said city;

Water.

Election districts.

XXXVI. That it shall be lawful for the city council of the said city of Camden, whenever they shall think it proper, for the convenience of the voters of any of the wards of the said city, to divide, by ordinance, such ward into two or more election districts of convenient size, and to appoint officers of election for said election districts, in the same manner and in accordance with the provisions of an act entitled "A further supplement to the act entitled 'An act to incorporate the city of Camden,'" approved March fifth, one thousand eight hundred and fifty, which said supplement was approved February twenty-sixth, one thousand eight hundred and sixty-four.

Rules and by-laws.

31. *And be it enacted*, That the city council shall have power to make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of this State, or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to alter, modify, amend and repeal.

Penalties.

32. *And be it enacted*, That in all cases where by the provisions of this act the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days, or by fine not exceeding one hundred dollars; the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of all ordinances and by-laws recorded therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the city council shall, in like manner, be taken and received as evidence of the ordinances and by-laws of the said city council, and the publication of

Ordinances and by-laws to be accepted in evidence.

the said ordinances and by-laws in the public newspapers, according to law, shall, in all cases, be presumed to have been made until the contrary be proved.

City buildings.

33. *And be it enacted*, That the city council shall have power to build and maintain a city hall, and such other buildings as they may deem necessary for the accommodation of the city officers and the day and night police of the said city.

Work houses. Alms houses.

34. *And be it enacted*, That the council shall have power to build, establish, keep and maintain one or more work-house or work-houses, and one or more alms-house or alms-houses for the relief of the poor; and the said city council shall have power, by their ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government, management and direction of the said city council, and of the overseer of the poor, and such other officers as they shall for that purpose constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like officers of the townships of this State, so far as such powers and duties shall be consistent with the provisions of this act.

How regulated.

Overseer of poor.

Buildings.

35. *And be it enacted*, That it shall be lawful for the said city council, by ordinance, to prescribe the character and stability of all buildings to be hereafter erected within the bounds of the said city, to direct the depth of foundation, thickness and materials used in the construction of the walls thereof, and regulate all such other matters as shall be deemed necessary to be observed in the construction of buildings, to protect and insure the health and safety of the citizens; *provided*, that no party wall shall be less than nine inches in thickness.

Proviso.

Fines and penalties.

36. *And be it enacted*, That it shall be lawful for the said city council to provide by ordinance for the punishment by fine or imprisonment, of the builders, contractors and owners, or any of them, of any building or buildings erected contrary to the provisions of such ordinances as shall be adopted in pursuance of this act, in reference to the construction of buildings in the city of Camden, and to compel the alteration or removal of any building or buildings which

shall be constructed contrary to the provisions of such ordinance.

Inspector of buildings.

37. *And be it enacted*, That the city council shall have power to appoint a building inspector for said city, who shall be a practical builder, and who shall inspect all buildings hereafter to be erected in said city; he shall be appointed for the term of three years, but shall be liable to be removed at any time the city council may deem proper, and another appointed in his stead; it shall be the duty of such building inspector to report all violations of any ordinance regulating the erection of buildings, to the city council as soon as can be done, and shall have authority, at all reasonable times, to enter any buildings in progress of construction or erection, for the purpose of inspecting the same; and said inspector shall not be employed during his term of office, either directly or indirectly, as a contractor in the construction of buildings in said city.

Term of office.

Duties.

Police, how appointed.

38. *And be it enacted*, That the police and night watchmen of said city shall be appointed by the mayor conjointly with the police committee appointed by said city council, and hold their office under the control and at the pleasure of the mayor of said city and said committee; and said mayor and committee shall appoint a proper person to be the chief of police, and said city council shall define his duties, and that no policeman or watchman shall engage in any other business during his term of office; that whenever any election district of said city shall poll over seven hundred votes, the city council shall have power to divide said election district into precincts, and appoint the officers thereof until the next annual spring election.

Terms of office.

Chief of police.

Election precincts.

TITLE IV.

OF THE POWERS AND DUTIES OF CITY OFFICERS, AND THE ENFORCEMENT OF THE ORDINANCES.

Mayor. Duty of.

39. *And be it enacted*, That it shall be the duty of the mayor to keep the corporate seal of the city, to cause the laws and ordinances to be duly executed and enforced, and generally to perform all such duties as may be required of him by law or the ordinances of said city; he may, under the direction of the city council, offer rewards for the detec-

tion or apprehension of the perpetrator of any offences against the city ordinances, or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Mayor, recorder and aldermen, powers of.

40. *And be it enacted*, That the mayor, recorder and aldermen of said city, and each and every one 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 Camden now have, or hereafter may have, such jurisdiction to be limited within the bounds of the city of Camden, with full power to issue process, and to hear, try and determine all suits at law of a civil nature within the said bounds that are cognizable before any justice of the peace of the county of Camden, including cases in attachment, in the same manner and with the like effect in every particular, and under the same rules and regulations as now are provided.

Vacancy in office of. Recorder may act.

41. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness, or other cause, from attending to the duties of his office, the recorder of the city shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office, caused by the absence or disability of the mayor.

Mayor, extraordinary powers of.

42. *And be it enacted*, That the mayor is hereby authorized, on witnessing any breach of the peace, forthwith to commit the offender for a hearing without the issuing of any warrant or process; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the constables, watchmen, and police officers of said city, and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper, to call out the militia of the said city, and employ the same in quelling any insurrection, riot or disturbance of the peace.

City clerk. Duty of.

43. *And be it enacted*, That the city clerk shall keep all the records, books, papers, and documents of the city, countersign all licenses signed by the mayor and the president of the city council, and keep the records of the proceedings of the city council; he shall engross all the ordinances of the city council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president, or president pro tempore, of

Ordinances to be signed.

said city council, and said city clerk; and copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the city council, and copies of the laws or ordinances of said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys, which by any law, ordinance, or usage, are paid to the city clerk.

Certified copies to be evidence.

Police, powers and duties.

44. *And be it enacted*, That the police officers and constables of the said city are hereby empowered to arrest and take into custody, without warrant, any offenders against the law and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city, and to carry such offenders before the mayor, recorder, or one of the aldermen of said city, who are hereby empowered and authorized to hold courts and take cognizance of such offences, which said courts so held shall be courts of record; or in case the said arrest shall be made during the night, or on the Sabbath day, or when the mayor, recorder or alderman, or either of them, cannot hear the same or hold such courts, to confine such offender or offenders in 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 one of the aldermen as aforesaid; or the mayor, recorder, or either of the aldermen of the said city may arrest and apprehend any such offenders for offences committed in their presence, without warrant; or upon complaint made in writing, under oath or affirmation, may issue a warrant, directed to one of the constables or one of the police officers of said city, or any or either of them, commanding such officers to take such offender or offenders and bring him, her or them forthwith before such person issuing such warrant; and when any such offender or offenders shall be 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 may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant, commanding the officers aforesaid, or one of them, to convey such offender or offenders, as the case may be, either to the city jail or the jail of the county of Camden, specifying

Courts, mayor and aldermen may hold.

Offenders may be confined.

Arrested without warrant.

Jail to be specified.

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 fines and costs are paid, or to issue a warrant directed to one of the constables or one of the police officers of 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 the want of sufficient goods and chattels, to take and convey such offender or offenders to one of the jails aforesaid, specifying in said warrant 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 to 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.

Chattels may be seized.

Fines to be paid to treasurer.

Proviso.

45. *And be it enacted*, That the jailor of the county of Camden for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of the county of Camden, for the 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.

County jailor to receive and keep.

City to pay expense.

46. *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 the funds, if any, in his hands; which statement shall be filed in the office of the clerk of the city at least twenty days before the next annual election for ward and city officers; and the city council shall cause the same to be published in two or more of the newspapers published and circulated in said city, at least two weeks previous to such election; and it shall also be the duty of said treasurer to make a quarterly report to the city council of the moneys by him received and disbursed.

Treasurer to make statement.

To be filed in city clerk's office

Published in newspapers.

Report to council.

City officers, powers of.

47. *And be it enacted*, That the chosen freeholders, commissioners of appeal in cases of taxation, assessors and overseers of the poor, constables and ward clerks, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this State, so far as such powers and duties shall be consistent with the provisions of this act; and that the receiver of taxes shall possess the powers and perform the duties of collectors of the several townships, so far as such powers and duties shall be consistent with the provisions of this act; the officers, judges of election, or inspectors of registry and of election of each of the wards of said city as are or may be provided for by law or required, or as, in the absence of legal provisions, may be provided for by ordinance of the city council, shall respectively possess the powers and perform the duties of the like officers of any township of this State, to the same extent and in the same manner in all respects as if each of the wards of said city was constituted a separate township of the county of Camden, so far as such powers and duties shall be consistent with the provisions of this act.

Receiver of taxes. Powers and duties.

Election officers, powers and duties.

Receiver of taxes may appoint deputies.

48. *And be it enacted*, That the receiver of taxes shall have the power to appoint, with the consent of the city council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said receiver of taxes to do; and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said receiver of taxes; the said deputy or deputies to give such security for the faithful performance of their respective offices as the city council shall direct.

To give security.

Office, where kept.

49. *And be it enacted*, That the office of the said receiver of taxes shall be kept in the city hall in said city, and he, or such deputy as he shall appoint, shall sit at such times and places in said city for the receipt of taxes as the city council shall direct; and it shall be the special duty of the said receiver of taxes to receive all taxes which may be paid, and preserve in his office the assessment books, which shall from time to time be delivered to him by the assessors of the different wards of said city, as prescribed by this act.

Books to be preserved,

Entries to be made.

50. *And be it enacted*, That the said receiver of taxes shall enter, in suitable books to be kept for that purpose, the sums received by him for taxes respectively, and the ward

for which received, with the names of the persons on whose account the same shall be paid on each day, and shall at least twice in each week furnish to the treasurer a detailed statement of such sums, designating the amounts received, and from which ward, and shall also, at the same time, pay over to the said treasurer the amount so received; and shall also pay over to the treasurer, once in each week, the sums collected on any warrant to him directed; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums, which he shall file in the office of the city clerk, to be presented to the city council.

Statement to be furnished treasurer.

Monies to be paid to.

Vouchers.

51. *And be it enacted*, That the city surveyor, city solicitor, city sealer of weights and measures, and all other officers appointed by the city council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinance, by-laws, rules and regulations of the city council; and on application for that purpose, the secretary of state of this State shall allow and assist the said city sealer of weights and measures to compare and adjust the standard of weights and measures for said city, and shall certify and seal the same in the manner required by an act entitled "An act to establish a uniform standard of weights and measures in this State."

Miscellaneous officers, powers and duties of.

TITLE V.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

52. *And be it enacted*, That the city council shall have power, by ordinance, to order the raising and cause to be raised by tax, in each year, such sum or sums of money as they shall deem expedient for the following purposes:

Taxes, how ordered, and for what purposes.

I. For defraying the expenses of lighting the streets of said city;

II. For supporting a day and night watch therein;

III. For supplying the said city with water for the extinguishment of fires and other purposes, and for maintaining water works for the purpose of supplying said city with water;

IV. For supporting the fire engine department;

Fire department.

V. For maintaining and supporting the poor;

Poor.

VI. For purchasing a lot or lots in said city for the pur-

Public buildings

pose of erecting market houses, city hall, jail, and such other public buildings as may be necessary and convenient for the said city, and such other real estate as may be necessary;

Streets.

VII. For opening, regulating, paving, flagging and graveling the streets of said city;

Markets.

VIII. For the support of public markets;

Debt and interest.

IX. For the payment of the interest upon the city debt and upon temporary loans, and such part of the principal thereof as may be due and payable;

Contingent expenses

X. For defraying the contingent expenses of said city, and for all other objects and purposes whatever, authorized by this act; which said ordinance shall specify the amount to be raised for each purpose.

Lamp and watch districts to pay certain taxes.

53. *And be it enacted*, That so much of the said taxes as shall be ordered to be raised for lighting the streets of said city, supporting the police therein, supplying the city with water for the extinguishment of fires, regulating, opening, paving, flagging, curbing, graveling the streets and improving the public grounds as aforesaid, shall be assessed and collected upon and from all persons residing and lands located within the lamp and watch district of said city, to be by the said city council hereafter from time to time by ordinance established, which tax, when raised and collected, shall be immediately paid over unto the treasurer of the city, to be subject to the order of the city council.

May borrow money.

54. *And be it enacted*, That it shall be lawful for the city council to borrow money from time to time, in the corporate name of the said city, for all purposes for which they are by this act authorized, to raise money by tax and 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 all the members of the city council; and there shall not be a greater sum than seventy-five thousand dollars raised by loan in any one year.

Proviso.

Assessors.

55. *And be it enacted*, That the assessors of the several wards of the said city shall assess upon the persons and property within the said city, and the receiver of taxes of the 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 city and for the support of the

Collector.

schools of the city, and to do all acts in reference thereto in the same manner and within the same time, except as hereinafter otherwise provided, as the assessors and collectors of the townships of the county of Camden are by law required to assess and collect the State and county taxes in their respective townships, subject (except as hereinafter otherwise provided) to the special provisions of the act entitled "An act to provide for the assessment and collection of taxes in the counties of Camden and Gloucester," approved March fourth, one thousand eight hundred and forty-seven.

Commissioners of appeal.

56. *And be it enacted*, That the commissioners of appeal in case of taxation in and for the several wards of the said city of Camden shall, for the purpose of performing the duties of their office, meet annually at such places in their respective wards as the city council shall appoint; and in case the city council shall neglect to appoint a place, then at the place where the last annual election was held in said ward, on the first Monday of July, (except when the same shall happen on the fourth day of July, in which case they shall meet on the following day,) at the hour of ten o'clock in the forenoon, and on the second Monday of September, at the hour of ten o'clock in the forenoon.

Powers of.

57. *And be it enacted*, That at their first meeting, as aforesaid, in July in each year, it shall be the duty of the said commissioners to examine and consider, and if agreeable to the principles of justice, alter and amend, in respect to amount or valuation, any assessment which may be appealed from, or which may appear to them to be incorrect in either of these respects; it shall be the duty of the assessor of said ward to attend at the same time and place before the said commissioners, and offer such reason as he may think proper in support of the amount and valuation of property made in his assessment; and the judgment of said commissioners, on any appeal upon either of these points, shall be final and conclusive, and shall be rendered to the assessor within two days after hearing such appeal, and the said assessor shall proceed at once to make the amount and valuation of property upon his assessment list, in all cases conform to the judgments and directions of the said commissioners, and no alteration in the amount or valuation of any property assessed shall be afterwards made by the authority of said commissioners.

Assessors to attend.

Judgment to be final.

Second meeting.

58. *And be it enacted*, That at their second meeting, as aforesaid, in September, the said commissioners shall meet

to discharge all the duties of their said office according to law upon all questions arising upon the assessments of taxes in said ward, except in respect to the amount or valuation of the property assessed, and the powers, duties, obligations and proceedings of said commissioners shall be the same, except as herein otherwise provided, as the powers, duties, obligations and proceedings of the commissioners of appeal in the cases of taxation in the various townships in the county of Camden.

Powers and duties.

Assessors. Shall give notice.

59. *And be it enacted*, That the assessor of every ward of the said city of Camden shall on or before the last Monday in June, in each year, give notice to each individual residing in his ward on whom a tax, by reason or in respect of any property is to be assessed, of the amount and valuation of the property for which the assessment is to be made; which said notice shall contain, as near as conveniently may be, the particulars of such valuation and amount; and also a notice of the time and place of the first meeting, as aforesaid, of the commissioners of appeal in cases of taxation, and shall be served on such individual personally or by notice left at his or her place of residence, and the said assessor shall also give public notice, on or before the twentieth day of June, in each year, of the time and place of the first meeting, as aforesaid, of the said commissioners of appeal, by advertisement set up in at least four of the most public places in the ward.

How served.

Receiver of taxes, duties of.

60. *And be it enacted*, That the receiver of taxes of the said city of Camden shall do and perform all the same acts and duties in connection with or relating to the commissioners of appeal in cases of taxation of the several wards of the city of Camden, and their meetings as aforesaid, on the second Monday of September, in each year, which are by law prescribed to be done by the collectors of the townships of the county of Camden, in connection with or relating to the commissioners of appeal in cases of taxation, and their annual meetings in their several townships respectively; and the duties and obligations of all other officers and persons in connection with or relating to the said commissioners of appeal of the several wards, and their meetings as aforesaid, on the second Monday of September, in each year, shall be the same as they now are, except where herein otherwise provided.

Other officers.

61. *And be it enacted*, That it shall be the duty of the as-

sessors of the different wards of said city created by this act, when any money is ordered to be raised by virtue of this act, for the city or for school purposes, to meet at the court house in said city, or at such other places in the said city as the city council shall appoint, at ten o'clock in the forenoon, on the Tuesday following the day fixed for the meeting of the board of assessors of the county of Camden, each year; and at such meeting to furnish full, true and accurate abstracts, under oath or affirmation, from their respective tax books, of all lands, tenements and real estate by them assessed, and all chattels, effects, estates and property so by them respectively made, as are required by law to be made and rated, and to estimate and rate the property so by them made and furnished, and to fix the amount or proportion of tax to be levied and collected thereon, and to adjust and fix the rate per dollar for city purposes, and the rate per dollar for school purposes, to be levied and collected on the lands, tenements and real estate and property as aforesaid, and to ascertain the proportion or quota of tax for city and school purposes, to be levied and collected in each ward of said city, and submit the same to the finance committee of the city council for their approval; and the assessors of said city shall, within thirty days after such meeting as aforesaid, deliver to the receiver of taxes of the said city the tax book or assessment by them so made, respectively, or a true transcript or duplicate thereof, which shall be preserved by said receiver of taxes in his office as a matter of reference for those who desire to examine the same.

Assessors to meet.

To furnish abstracts.

To fix amount and rate of tax.

To classify taxes.

Deliver tax books to receiver.

62. *And be it enacted*, That the receiver of taxes of said city, in making the demand of the tax or sum assessed, and giving the notice required to be made and given by the laws of this State, shall at the same time also state the amount of tax assessed and levied on the real estate, and the amount of tax assessed and levied on the personal estate, for State purposes, for county purposes, for city purposes and for school purposes, respectively.

Notice, how given.

63. *And be it enacted*, That from and after the passage of this act, it shall be the duty of the assessor of each ward in said city, in assessing and raising the State, county, city, and school tax, which may be, from time to time, ordered to be assessed and raised in the said city, to estimate and rate all the lands, tenements and real estate lying and being in

Assessor, duties of.

the said city, according to its value at the time of making the assessment, 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 said city as aforesaid: the city council may appoint, from time to time, and as often as they shall think proper, but at least once in every three years, one or more fit and judicious freeholders, residing in the said city, and acquainted with the value of real estate therein, to accompany each of the assessors of the different wards to assist them 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 to either the mayor, recorder or one of the aldermen of said city, or to one of the justices of the peace, 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.

To be assisted by freeholders appointed by council.

Who shall qualify.

Taxes to be kept separate.

64. *And be it enacted*, That it shall be the duty of the assessor and receiver of taxes 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 personal or other property, and to make out and return the amount due on each lot or tract of land, premises, and the street or streets, alley or alleys, whereon the said lot, tract or piece of land and premises is situated, with a short description of the same; and the owner or owners' names, and the taxes and assessments which shall be made upon any such real estate in said city by virtue of this act, whether the same be State, county, city or school tax, shall be and remain a lien thereon for the space of five years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage or other incumbrances thereon, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements and real estate, or such part thereof as they may think proper, to be sold at public auction for the shortest time not to exceed one hundred years for unimproved property, and fifty years for improved property, for which any person or

Shall be a lien.

Lands may be sold.

persons will agree to take the same and pay such tax or assessment or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, including justices' and constables' fees, cost of advertising, selling and executing the deeds, and to make and execute, under the seal of 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 building 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.

Declaration of sale.

Buildings may be removed.

65. *And be it enacted*, That the said city council, before they shall proceed to sell any lands, tenements or real estate, for the payment of taxes as aforesaid, shall cause such sale to be advertised at least once a week for eight weeks successively, in at least two public newspapers printed and published in said city; and also by advertisements put up in at least ten public places in said city, which advertisements shall mention the street or streets on which the said property is situated, the amount of tax due, and the owner's 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 twelve 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 as aforesaid; and in case the same shall be redeemed as hereinbefore provided, by the mortgagee or mortgagees, or if the said mortgagee or mortgagees shall have paid the tax or assessment, with the interest and cost thereon, to prevent the said premises from being sold to pay the same, then and in that case the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner in all respects

Sales to be advertised.

May be redeemed.

as if the same were included in and intended to be secured by the said mortgage, and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements or real estate in assessing the taxes thereon, shall not invalidate the said assessment, or the sale of said real estate as aforesaid.

Misname not to invalidate.

Interest to be collected.

66. *And be it enacted*, That whenever in said city any tax shall remain unpaid, and be returned by the receiver of taxes of said city for want of payment, the same shall bear an interest at the rate of twelve per centum per annum from the day on which the same shall be so returned until paid, and it shall be the duty of said receiver of taxes 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 said receiver of taxes to the treasurer of said city as a part of the tax collected by him.

Discount.

67. *And be it enacted*, That on all taxes assessed and paid before the first day of October next, after such assessment the receiver of taxes shall deduct therefrom a discount of five per centum.

Delinquents names to be delivered to a justice.

68. *And be it enacted*, That in case of non-payment of taxes at the time appointed for the payment thereof, it shall be the duty of the receiver of taxes to make out a list of the names of all the delinquents in the several wards, with the sums due from them respectively thereunto annexed, and deliver the same to such justice of the peace in said city as the city council may, from time to time, appoint, on the twentieth day of October in every year, except when that day shall happen on Sunday, and then on the next day following, and that it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof to administer to the receiver of taxes returning the same, the oath prescribed by the thirteenth section of the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and to issue his warrant as required by law, directed to the receiver of taxes of the city of Camden, and thereby command the said receiver of taxes to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees to be levied and made as prescribed by the eighteenth section of the said act, entitled "An act concerning taxes."

Who shall administer oath.

Warrant, shall issue.

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

said receiver of taxes, in person or by deputy, to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the city council of the said city of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; *provided*, that it shall be lawful for the justice who issued such warrants, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city to be appointed by the city council, upon return of any warrant to issue another for the collection of the sum or sums remaining unpaid, with the interest, costs and fees in like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.

Warrant to be executed.

Proviso.

70. *And be it enacted*, That on or before the first day of March, in each and every year, the city council shall direct and authorize the city solicitor to proceed and sell, according to law, all lands, tenements and real estate, to enforce the payment of any taxes or assessments which may be a lien thereon by virtue of this act.

Sale of lands,

71. *And be it enacted*, That the city council shall have power by ordinance, at their discretion, to cause a city map or atlas to be made and established, containing the descriptions of all or such of the lots of land and premises in the city, as the said city council shall by ordinance provide, with numbers and such boundaries as may be necessary to distinguish the lots on said map or atlas, and may provide for the proper filing, binding, regulation, and preservation of said map or atlas, and the alteration of the same, from time to time, and also, when they think proper, that lots sold for taxes or assessments, as hereinafter provided, may be described and designated by their numbers and descriptions on said map or atlas, and when the city council shall so provide, the numbers and descriptions on said map or atlas, and the names of persons there marked as owners of any lot, shall be a sufficient description and designation of said lot and owner or owners, to answer the requirements of the law providing for a description of the lot sold, with the name of the owner or owners.

Map to be made.

To be preserved.

Lots to be designated by numbers.

Extra compensation.

72. *And be it enacted*, That it shall be lawful for the city council to allow the assessors of said city such extra compensation for their services in assessing the taxes, as they shall think reasonable and just.

Record to be kept.

73. *And be it enacted*, That the receiver of taxes of the city of Camden shall, on or before the first day of September, in each and every year, record in well bound books, to be provided for that purpose, the name of any owner or reputed owner of any lots, tracts or pieces of land which shall be sold after the passage of this act, by the said city, to enforce the payment of any lien, by reason of any tax assessed, assessment made, or otherwise created by virtue of this act, with a short description of the lots, tracts or pieces of land so sold, the street or streets, alley or alleys, whereon they are situated, when the same were sold, to whom, for what amount, and the length of time for which they were sold; said books shall be carefully preserved by the receiver of taxes at his office, and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by the receiver of taxes, on the payment of such fees as the city council, by ordinance, shall direct.

Description to be recorded.

Access to be had.

Delinquents to be recorded.

74. *And be it enacted*, That the receiver of taxes shall, on or before the first day of April, in each and every year, record alphabetically, in well bound books to be provided for that purpose, the names of all the delinquent taxpayers in each ward respectively, to whom any lots, tracts or pieces of land or real estate shall have been assessed for the preceding year, together with a short description of said lots, tracts or pieces of land, the street or streets, alley or alleys whereon they are situated, the amounts of taxes which are liens thereon respectively, and the year for which said assessment was made; said book shall be carefully preserved and kept by the receiver of taxes at his office, and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by the receiver of taxes, on the payment of such fees as the city council by ordinance shall direct; and it shall be the duty of the receiver of taxes, upon the receipt of the taxes, interest and cost which may be a lien upon said lot or lots so recorded, briefly to note in the margin of said record that all liens for tax on said lot

Also description.

Transcripts to be made.

To sign marginal notice,

or lots for said year, are fully paid and satisfied, to which marginal notice said receiver of taxes shall sign his name.

Assessment may be raised.

75. *And be it enacted*, That if any person or persons, body politic or corporate, shall be assessed at too low a rate, or be omitted in the assessment, it shall be lawful upon complaint made, for the commissioners of appeal in cases of taxation, after five days' notice in writing, to the party interested, by the party complaining, and after due examination of the facts and consideration of the case, to make such addition to the assessment as shall be agreeable to the principles of justice; and the judgment of the said commissioners shall be final and conclusive, and shall be rendered within ten days after the making of said complaint.

TITLE VI.

OF STREETS, HIGHWAYS, SEWERS, CULVERTS, DRAINS, SIDEWALKS, AND ASSESSMENTS THEREFOR.

Streets to be paved.

76. *And be it enacted*, That the city council shall have exclusive control over 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, flag or curb the same, and the sidewalks and gutters thereof, or repair the same, or any of them, or any part or sections of the same along and opposite to such owner or owners of property; and whenever a majority in value of the landholders along any said highway, road, street or alley, or of any part of such highway, road, street or alley, shall desire any street, highway, road or alley, or any part or sections of the same to be graded, paved, macadamized or otherwise permanently improved, the city council on the petition of the said owners of real estate on said street, or in the absence of such application or petition whenever thirty freeholders residing in any ward of said city shall desire any street, highway, road or alley in said ward, or any parts or sections of the same to be graded, paved, macadamized, or otherwise permanently improved, the city council may order and direct the same to be done, and may appoint one or more discreet and skillful persons to superintend the said work, and prescribe the manner in which the same shall be performed, and shall have

Owners may petition.

Superintendent to be appointed.

power to enforce such ordinances and regulations concerning the same by enacting fines or penalties for not complying therewith; *provided*, that no ordinance for the purpose mentioned in this section shall be finally passed by said city council until the petition upon which the same is founded shall have been presented at a regular meeting, and then published in full in two newspapers published and circulating in the city of Camden, at least three weeks, once a week, before the time of such passage; *provided, further*, that the corporate privileges and powers of the several turnpike companies within the limits of the said city shall not be interfered [with] by said city councils without the consent of said turnpike companies.

Proviso.

Proviso.

Owner must pave, &c.

77. *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 shall not grade, pave, flag or curb the street, alley or sidewalk thereof, or grade or repair the same as may be by said ordinance directed, and in the manner prescribed, for the space of thirty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done and paid for out of any moneys in the hands of the treasurer of the city; and when so done they shall cause a particular statement and account of the costs or 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, her or their legal representatives, with interest and cost 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 Camden," 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

Penalties.

Lien upon lands.

May recover.

Action, how brought.

Lands may be sold.

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 purchaser or purchasers as aforesaid, in the same manner, and under the same regulations and restrictions, and with the like effects 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 the taxes due thereon by this act; *provided*, that 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 notice to be inserted in at least two of the newspapers of said city, and published for four weeks therein at least once a week, setting forth the name or names of the owner or owners, or reputed owners thereof, the street whereon the property is situate, and that unless the said owner or owners shall comply with such ordinance, and perform the said work within four weeks 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.

Notice to be given.

Proviso.

78. *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 or curbed 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 the 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 of 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 any contracts or agree-

Tenants may deduct cost of improvements.

Proviso.

ments made or to be made between landlord and tenant respecting such charges or expenses.

Streets may be laid out.

79. *And be it enacted*, That it shall be lawful for the said city council to lay out and 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, widened, whenever and so often as 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 real estate, with the appurtenances necessary to be taken for either of said purposes, or to his, her or their agents or legal representatives, for their intentions 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 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 nine disinterested freeholders of the said city, at least one from each ward, 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; 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; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any graveyard, 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.

Lands to be taken.

Commissioners may be appointed.

Proviso.

Lands of non-residents and idiots, how taken.

80. *And be it enacted*, That in case the owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering or widening any street, road, highway or alley in the said city, shall be non compos mentis, or out of the State, or cannot be ascertained on reasonable inquiry, and no agents or legal representatives 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 publishing in at least two of the newspapers published in said city for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate, and appropriate it for such street, road, highway or alley.

Commissioners to qualify.

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

Notice of meetings to be given.

82. *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 eight public places in said city, one whereof shall be in each of the wards of 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 Camden, that 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 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 purposes aforesaid; *provided, however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings

Purpose to be stated.

May examine witnesses.

Certificate to be made and filed.

Proviso.

of the city council or 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 city council; and the said 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.

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

Streets may be surveyed.

84. *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, 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 thoroughfare 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 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 streets or 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.

City may be surveyed.

Surveys to be binding on owners.

Sewers, how opened.

85. *And be it enacted*, That the city council shall have power to regulate by ordinance, in what manner individuals and corporations shall make openings into the sewers or culverts, and to enact fines and penalties for injuries done to the same.

Wards districted for drainage.

86. *And be it enacted*, That each ward of said city be and the same is hereby constituted a district for the purposes of underground or surface drainage.

Drains may be made on petition

87. *And be it enacted*, That when ten or more owners of real estate in any one of said districts, shall by petition ask the said city council to cause an underground drain or culvert to be constructed along any one or more of the streets or highways of said city, or parts thereof, within said district, then it shall be lawful for said city council, at its discretion, by ordinance, to direct the construction of such drain or any part thereof, of such dimensions, of such material, in such manner, and under such supervision as the said city council may deem fit and proper for the objects petitioned for, but in no case shall any drain be constructed beyond the limits mentioned in the petition, and no ordinance shall be finally passed by said city council until the petition upon which the same is founded shall have been published in full in two newspapers published and circulating in the city of Camden, at least three weeks, once a week, before the time of such passage.

Petition to be published.

Cost, how assessed,

88. *And be it enacted*, That the whole costs and expenses of such drain or culvert shall be assessed upon all the lands within such district in proportion to surface or area, including the lands occupied by streets or highways, but excluding such lands as lie more than two hundred feet distant from any street or highway, and also excluding such lands west of Second street as may be covered by the waters of the river Delaware at ordinary high water; the proportion occupied by streets or highways being chargeable to the city of Camden; *provided*, that in all cases where any property north of the middle line of Bridge avenue and the middle line of the Camden and Amboy railroad shall have paid the cost of a culvert constructed in the street along the front of said property, or any part thereof, the same shall be exempt from any culvert tax except when such culvert shall be constructed in a street along such property or some part thereof.

Proviso.

89. *And be it enacted*, That an account of the costs and

expenses of any such drain or culvert showing the proportion for which each owner of property and the city (on account of streets) is liable, shall be filed in the office of the clerk of said city within twenty days after the completion of the same, and such proportion of said costs and expenses shall be a lien on the lands charged therewith from the time the work is completed until the same be paid and satisfied.

Account to be filed.

Lien on lands.

Costs, how paid.

90. *And be it enacted*, That the city council may order the whole or any part of said costs and expenses to be paid out of any moneys in the hands of the treasurer of said city, and after such payment may collect the same, with interest and costs, from the owners and lands so liable in the same manner as the costs and expenses of grading, paving and curbing the streets are authorized to be collected by said city in this act, as prescribed in the seventy-seventh section thereof.

Sub-drains may be constructed.

91. *And be it enacted*, That the said city council may, at its discretion, and at the expense of said city, construct sub-drains and inlets in any of the streets in said city, for the purpose of facilitating surface drainage.

Provisions extended to boundaries.

92. *And be it enacted*, That the seventy-sixth and seventy-seventh sections of this act, and all the provisions thereof, shall extend and apply in all things to the streets, highways, roads and alleys which lie or extend on or along the boundaries of the said city of Camden (to the extent that the same lie or extend on or along the said boundaries) and to the lands and real estate lying on or along or opposite said streets, highways, roads or alleys on either side, whether the said lands and real estate lies within the limits of said city or not, and to the owners of said lands and real estate, as fully and with the same effect as the said sections and the provisions thereof do or may apply to the streets, highways, roads and alleys which lie and are wholly within the limits of said city, and to the lands and real estate lying on or opposite the same, and wholly within the limits of said city, and to the owners of said last mentioned lands and real estate; and that should the provisions of the said sections not be complied with and observed according to the terms thereof by the owners of the said lands and real estate on, along or opposite the said streets, highways, roads and alleys which lie or extend on or along the boundaries of said city on either side of said streets, highways, roads and alleys, then the proceedings against the said owners and against

the said lands and real estate, whether the said lands and real estate lie within the said city or not, shall be conducted in the same manner, and shall have the same effect in law and equity as if the said lands and real estate were within the limits of the said city.

Openings, how made.

93. *And be it enacted*, That the city council shall have power to regulate by ordinance in what manner individuals and corporations shall make openings into the culverts or drains in said city; and to enact fines and penalties for injuries done to the same.

Ordinances to be conclusive.

94. *And be it enacted*, That any ordinance of the city council requiring the owner or owners of land to pave, grade, flag or curb, or otherwise permanently improve any street, highway or alley of said city, and the sidewalks and gutters thereof, or any part of such street, alley or highway, or any part of the sidewalks and gutters thereof, shall be conclusive upon said owners; and the ordinance shall not be called in question collaterally, but may be reviewed as any other judicial proceeding by certiorari; and any deed or declaration of sale made under the seal of the city for lands sold to pay for grading, paving, flagging, macadamizing, or otherwise permanently improving any street, highway or alley, or any part of said street, highway or alley, or making gutters in and along any street, highway or alley of said city, or paving and grading or repairing the sidewalks of any said street, highway or alley, or any deed or declarations of sale made under the seal of the said city, for lands sold to pay for taxes assessed against the same by virtue of this act, if regular upon its face, shall be prima facie evidence of the right of the grantee, his heirs or assigns, to recover, hold and possess the lands therein conveyed, without additional proof of the regularity of the proceedings under which said sale and deed were made.

Deed to be evidence.

Advertisements, how made.

95. *And be it enacted*, That in advertising any real estate for sale under and by virtue of this act, in cases where the city are to advertise and sell, it shall be lawful to embrace lands belonging to different persons in the same advertisement; and at any sale so made by the city council, it shall be lawful for the city of Camden to become the purchaser of any lands so sold.

96. *And be it enacted*, That in case of the sale of any lot or lots of land by the city council under and by virtue of this act, to satisfy the costs and expenses of doing the work

Misname or omission not to invalidate.

made a lien by said act, any mistake in the name or names of the owner or owners of such lot or lots, or omission to name the real owner thereof, shall not invalidate any proceedings under said act, or the sale of any real estate by virtue thereof.

TITLE VII.

MISCELLANEOUS PROVISIONS.

Judge, juror and witness, who not incompetent.

97. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which the city of Camden is a party, or in which the city of Camden is interested, no person shall be deemed to be incompetent as a judge, witness or juror, by reason of his being an inhabitant or freeholder of said city; and that if any person shall be sued or impleaded by reason of 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.

Ordinances to continue in force.

98. *And be it enacted*, That all ordinances of the said city, passed by the city council thereof, under and by virtue of the provisions of any act of the Legislature of this State, in force at the time of the passage of this act, and not inconsistent with this act, shall continue in force until altered or repealed by the city council.

Members of council disqualified.

99. *And be it enacted*, That no member of the city council shall be appointed to or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract the expense of which is to be paid from the city treasury, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of "The City of Camden," and the said penalties, when recovered, shall be paid into the city treasury.

Title not to be impaired without notice.

100. *And be it enacted*, That no owner or mortgagee whose deed or mortgage shall have been duly recorded before sale, for any tax, paving, grading, or any other improvement, shall be divested of his rights in such property, unless six months' notice, in writing, of such sale shall have been given to such owner or mortgagee by the purchaser, at such

sale or by any person or persons claiming under him, personally, if a resident of the city of Camden, and if not such a resident, then by depositing such notice in the post office of said city, directed to the said mortgagee or owner at his post office or place of residence, as stated in the deed, mortgage or assignment thereof, but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the city clerk, a copy of the notice served, together with the affidavit of the person serving the same, proving the due service of said notice.

Notice, how given.

101. *And be it enacted*, That the city council of the city of Camden shall have the exclusive power to grant licenses to persons to keep inns and taverns and victualting houses, with the privilege of retailing spirituous, vinous and malt liquors within the said city.

Licenses to taverns, &c.

102. *And be it enacted*, That every application for license as aforesaid, shall be made to said city council by the petition of the person or persons applying for the same, stating that the place or premises where the said inn and tavern or victualing house is proposed to be kept, and a certificate thereunto annexed, signed by at least twelve respectable citizens and freeholders in the ward in which the place or premises is, or are situate, setting forth that such inn and tavern or victualing house is necessary to accommodate the public and entertain strangers and travelers, and such person or persons is or are of good repute for honesty and temperance, well capable of carrying on the trade or business for which the license is requested, and well provided with room and other suitable convenience for the comfort and accommodation of the public, of strangers and travelers.

Applications for license how made.

103. *And be it enacted*, That the city council shall have power, on every application to keep an inn or tavern or victualing house as aforesaid, to grant or withhold the same, and to revoke, for cause shown, any license whatever granted by said city council; the said city council shall charge for every license granted not less than thirty nor more than two hundred dollars, and may attach such terms and conditions to the license as they may deem proper, and no license shall be granted for a longer term than one year; every license shall be signed by the president and clerk of council, and no

License may be revoked.

Taxes and conditions.

license shall be delivered until the fee thereof shall be paid to the city clerk, and all moneys received for license shall be paid to the city treasurer for the use of said city.

Fees for orders of relief.

104. *And be it enacted*, That the overseers of the poor and the justices of the peace of the city of Camden shall receive the sum of ten cents each for each and every order of relief issued and granted by them in the said city of Camden, and no more.

Camden cemeterr, trustees and regulations.

105. *And be it enacted*, That hereafter the trustees of the Camden cemetery shall be appointed by the city council of said city, from among the residents of said city, and shall report to that body, who shall from time to time, by ordinance or resolutions, make such rules and regulations as may be necessary or proper for the management of said cemetery and all matters pertaining thereto.

General repealer

106. *And be it enacted*, That the laws of the State of New Jersey applicable to the city of Camden, shall after the passage of this act continue to apply as now, except where the particular subject matter thereby regulated is otherwise provided for in this act, or the provisions of said laws are inconsistent with or repugnant to the provisions of this act, and that all acts or parts of acts, so inconsistent or repugnant, be and the same are hereby repealed, to the extent that they are so inconsistent or repugnant; but nothing herein contained shall be construed so as to destroy, impair or take away any lien, claim, right or remedy acquired or given by any act hereby repealed, and all liens, rights, claims and remedies acquired or given by any act hereby repealed, may be collected, enforced, had and taken, and all proceedings that are already commenced, or hereafter may be commenced for the collection of any liens, or claims for taxes, assessments, or improvements, acquired or given by any such former acts may be carried on and completed under any such acts in any respects in the same manner, and with the same effect, as though this act had not been passed; and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect as though this act had not been passed, and the provisions of this act shall not be construed to apply to or in anywise affect any person who has heretofore been elected to any office at any annual city election so far as relates to said office, and at the annual election to be held on the second Tuesday of March, eigh-

Disclaimer.

teen hundred and seventy-two, and every third year thereafter there shall be elected by ballot a treasurer of said city for the term of three years from among the citizens residing in said city and entitled to vote at such election, and the returns of the election of said treasurer shall be made out and laid before the city council and the result ascertained in the same manner in every particular, as is provided in the case of the election of the mayor and other city officers of said city are respectively elected and qualified under the provisions of this act; and in the meantime the officers now in office in said city (and those who may fill any vacancies happening therein), shall continue to exercise the powers and fulfil the duties of their respective offices; any unfinished business in the hands of any officer may be completed by him, notwithstanding the expiration of his term of office, when the city council shall by resolution so provide.

Treasurer, how elected.

Unfinished business.

107. *And be it enacted*, That the city council may order and direct any of the streets or highways of said city through which the lines dividing the wards of said city shall run, or any part or section thereof to be paved, macadamized or permanently improved, or culverts to be constructed under such streets, highways, or sections thereof, whenever ten persons from each ward in which such paving shall be required to be done, or culvert constructed, shall petition city council therefor; and that the costs and expenses for doing said work shall be assessed, apportioned and collected in the same manner as hereinbefore provided, and the costs and expenses of such culverts shall be assessed and apportioned upon the lands in the several districts, for underground drainage, through which said culverts shall be constructed, in the same manner as hereinbefore provided.

Streets may be paved and improved.

108. *And be it enacted*, That a committee of councilmen of said city, consisting of one from each ward of said city, to be appointed by said city council and the township committee of the township of Newton, be and they are hereby empowered to meet on the first Monday of April next, in the council chamber, at the city hall, in said city, at the hour of ten o'clock in the forenoon of that day, and then and there proceed ratably to impose, divide and apportion the liabilities, funds, revenues, and estates of said township of Newton, hereby divided between the said city of Camden, and the residue of the said township of Newton, in proportion to the taxable property and ratables as taxed by the

City of Camden and township of Newton, committee to apportion liabilities, &c.

assessor of the township of Newton, at the last annual assessment; and the city of Camden shall be liable to pay their just proportion of the debts as reported at the last annual town meeting of said township of Newton; and should any such township committee or committees to be appointed by said city council as aforesaid, or members of either of said committees, fail to attend, then a majority of the members of each committee may proceed to make such division and apportionment, setting forth the same in writing for publication in first subsequent annual report of said city and township, and such convention of the committees or members thereof, shall have power to adjourn from day to day until the completion of said division be made, and their decision, or the decision of a majority of them, shall be conclusive and final, and the passage of this act shall be sufficient notice of the time and place of such meeting.

Report in writing.

109. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect on the first day of March next.

Approved February 14, 1871.

CHAPTER XLII.

An Act to fix the salary of the County Collector of Passaic County, in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the second Wednesday in May next, the collector of the county of Passaic, shall be entitled to receive a salary at the rate of twelve hundred dollars by the year, which shall be in lieu of all fees and commissions; and that the twenty-eighth section of the act entitled "An act to incorporate the chosen freeholders in the respective counties of the State," approved April sixteenth, one thousand eight hundred and forty-six, shall not be operative in the said county of Passaic.

Salary $1200.

Act inoperative.

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

Approved February 15, 1871.

CHAPTER XLIII.

A Further Supplement to an act entitled "An act to incorporate the Barnegat Railroad Company," approved the twenty-second day of March, A. D. one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the aforesaid act, to which this is a further supplement, shall be and hereby is changed from the "Manchester and Barnegat Bay Railway Company," as provided by a former supplement to said act, approved on the thirty-first day of March, one thousand eight hundred and sixty-nine, to "An act to incorporate the Tuckerton Railroad Company," and that the name of the corporation thereby created shall be "The Tuckerton Railroad Company;" and that all contracts heretofore made by said corporation, in or by any other name or names, shall be valid and binding on the parties thereto, the same as if this act had not been enacted; but all suits and actions thereon that shall be instituted by or against said corporation, shall be in the name of the Tuckerton Railroad Company; *provided*, that any suit or action now pending by or against said corporation shall be in no wise affected hereby. Corporate name changed. Contracts binding. Proviso.

2. *And be it enacted*, That all the powers and privileges granted to or conferred upon the said corporation, as well by its said original act of incorporation as by any former supplements thereto, shall become and hereby are vested in said corporation by its said name of the Tuckerton Railroad Company, which, by that name, shall be subject to all the conditions, restrictions, limitations and provisions contained in said original act and its former supplements. Privileges unchanged.

3. *And be it enacted*, That it shall be lawful for the said Tuckerton Railroad Company, after having constructed a railroad from the village of Tuckerton, in the county of Burlington, to any other point or place authorized by said original act or former supplements, to connect therewith and to lay out and construct therefrom as many and such branch May construct branch railroads.

railroads in the said county of Burlington as said company shall shall think proper; *provided*, that the said branch railroads shall all be situated east of the present route of the New Jersey Southern Railroad, and shall not cross the said railroad; and for that purpose it is hereby invested with all the necessary rights, powers, privileges and franchises for the laying out, constructing and operating said branches, and for the use and enjoyment thereof; but that, in the exercise of such rights, powers, privileges and franchises, either in the laying out, constructing and operating said branches, or in their enjoyment and use, the said company shall in all things conform and be subject, as nearly as may be, to all the conditions, provisions, limitations and restrictions contained in the said original act and its prior supplements; except that in all assessments of damages which any land owner will sustain by reason of the construction across his lands of any railroad authorized by said original act and prior supplements, or by this act, the commissioners or jury making such assessment or assessments shall take into consideration and make allowance in favor of said company for all advantages which such land owner will derive to his said land by reason of the construction of such railroad across the same.

Subject to same restrictions.

Limitation extended.

4. *And be it enacted*, That the limitation of one hundred feet in width of land, as provided in the sixth section of the act to which this is a supplement, shall not apply in places where the nature of the ground requires a greater width for the slopes of cuts and embankments.

May pay award into court and begin operations

5. *And be it enacted*, That in case of an appeal heretofore or hereafter taken to the inferior court of common pleas of the county in which land taken for the said company's railroads lies, from the decision and award of the commissioners appointed by virtue of the seventh section of the act to which this is a supplement, to assess the price or value of land taken or to be taken by said railroad company, or in case any owner or owners of such land shall, before an appeal is taken, be unwilling or refuse to receive the amount of the award and decision of said commissioners, or of a majority of them, it shall and may be lawful for the said railroad company to pay into the said inferior court of common pleas, or to the clerk thereof, the amount of the award of the said commissioners, or a majority of them; and after the said payment into said court or to the said clerk, it shall be lawful for said railroad company immediately to enter into possession of the

said land, the price or value of which has been or shall be assessed by the commissioners, and construct thereon their railroad and whatever may appertain thereto.

Sum paid to be held subject to final issue.

6. *And be it enacted*, That the sum so paid into the said inferior court of common pleas, or to the clerk thereof, shall, in case of an appeal heretofore or hereafter taken, to be held until final judgment rendered on said appeal, or in case no appeal is taken until the time limited by law for taking an appeal expires, when, as the case may be, the said amount, or so much thereof as shall be necessary should the jury on appeal find a less sum, shall be paid by the order of the court to the owner or owners of said land entitled thereto.

On payment to party fee simple to pass.

7. *And be it enacted*, That upon the payment of said money into the said inferior court of common pleas or to the clerk thereof, if the jury on appeal should not find a greater sum than said commissioners, or in case they do find a greater sum, upon the payment of the excess, including costs, over what has been paid into said court or to said clerk, to the person or persons entitled thereto, or into said court or to the clerk thereof, or in case of the payment of the amount of any award into the court of chancery or to the clerk thereof, pursuant to the eighth section of the act to which this is a supplement, the said corporation shall thereupon be deemed to be seized and possessed in fee simple of all such lands and real estate appraised.

May purchase steamboats.

8. *And be it enacted*, That it shall be lawful for said company to purchase, procure and operate steamboats and other vessels, for the transportation of passengers and merchandise between the termini of any of its railroads in the said counties of Burlington or Ocean, and the cities of New York, Philadelphia and other ports and places bordering on the Atlantic ocean, or on the navigable waters emptying into the same, and charge therefor such reasonable fare and freight as may be agreed upon.

May charge freights and fare.

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

Approved February 15, 1871.

CHAPTER XLIV.

An Act to incorporate the Pahaqualing Slate Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. B. Thomas, John W. Buckman, Forman P. Hollinshead, Charles L. Nichols, Matthew S. McCullough, William Depuy and Joseph H. Hollinshead, and their associates, shall be and they are hereby created a body politic and corporate, by the

Title.

name of "The Pahaqualing Slate Company," and by that

Powers.

name the said company shall have power to purchase, procure and hold such lands in the county of Warren, as may be necessary or proper for effecting the object of this corporation; and to open thereon mines and quarries, and to erect and construct thereon buildings and machinery for mining, quarrying, manufacturing, storing and selling slate and other earthy and mineral substances; and shall have power to quarry, mine, manufacture, store up and sell, or otherwise dispose of slate and other minerals and manufactured articles therefrom, and shall have all such other powers as are enumerated in the first section of the act concerning corporations.

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner and in such instalment or instalments, and upon such notice as the said corporation by by-laws or otherwise, may 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

Shall forfeit.

stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon to the use of the said cor-

Proviso.

poration; *provided*, said company shall not commence business until the sum of fifteen thousand dollars shall have actually been paid in.

3. *And be it enacted*, That the capital stock of the said corporation shall be deemed and considered personal pro-

perty, and shall be transferable in such way as the by-laws of said corporation shall direct, and 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, at any time or times hereafter, may increase their capital stock to any amount not exceeding five hundred thousand dollars. May be increased.

4. *And be it enacted*, That the affairs of the said corporation shall be managed by a board of seven directors, any four of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn, and that said William H. B. Thomas, John W. Buckman, Forman P. Hollinshead, Charles L. Nichols, William Depuy, Joseph H. Hollinshead and Matthew S. McCullough, shall be and hereby are appointed the first board of directors, to serve until the first Monday in May next, and others shall be elected in their stead; and the said directors or a majority of them, as soon as conveniently may be hereafter, shall appoint one of their number to be the president of the corporation until the first Monday in May next, and another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors, by death or otherwise, the board, at their next, or any subsequent stated meeting, may fill such vacancy until their next annual meeting for an election of directors; and no person shall be a director but a stockholder. Directors. First directors. Term of. President.

5. *And be it enacted*, That an annual election of directors shall be held at Hackettstown, in the county of Warren, in this State, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place in said county, and upon such notice as shall be ordained by the by-laws or otherwise appointed; 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 first Monday in May next, or at the time appointed for the holding any subsequent election thereof, the said corporation shall not for that cause be deemed dissolved, but such election shall be had at such other time and place as the board of directors for the time being shall or may appoint; and in all cases the directors for the time being shall continue in office until new ones shall be elected in their stead, and every board of directors, as soon as conveniently may be, after their election, shall appoint from their Elections, where held. Failure, not to dissolve. Directors hold over.

New Jersey State Library

number a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his stead; that the president shall preside at all meetings of the board, but in case of his absence 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.

By-laws.

Dividends.

6. *And be it enacted*, That the dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders at such times 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 accurate statement of the affairs of the corporation during that period; and they shall produce and exhibit to such meeting the books, accounts and papers of the corporation, if required to do so by any persons being stockholders.

Exhibit of affairs.

Term of charter.

7. *And be it enacted*, That this corporation shall be limited to thirty years, and that the Legislature may alter, amend or repeal this act whenever the public good may require it.

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

Approved February 15, 1871.

CHAPTER XLV.

An Act to incorporate the Rose Crystal Marble Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. B. Thomas, Forman P. Hollinshead, John W. Buckman, William Depuy, Joseph H. Hollinshead, Charles L. Nichols and Matthew S. McCullough, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The Rose Crystal Marble Company," and by that name the company shall have power to purchase, procure and

Title.

hold "The Rose Crystal Marble Quarry," in the county of Warren, and such other lands as may be necessary or proper for effecting the object of this corporation; and to open thereon additional mines and quarries, and to erect and construct thereon buildings and machinery for quarrying, raising, mining, manufacturing, storing, sawing and selling marble and other mineral and earthy substances; and shall have power to quarry, mine, manufacture, saw, store up, sell and otherwise dispose of marble, stone or other minerals raised, quarried, mined or manufactured, and shall have all such other powers as are enumerated in the first section of the act concerning corporations. Powers.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner and in such instalment or instalments, and upon such notice as the said corporation by their by-laws or otherwise may 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 share or shares, and all payments thereon to the use of said corporation; *provided*, that the said company shall not commence business until the sum of fifty thousand dollars shall have actually been paid in. Capital stock. May forfeit. Proviso.

3. *And be it enacted*, That the capital stock of the said corporation shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation shall 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, at any time or times hereafter may increase their capital stock to any amount not exceeding one million of dollars. Personal property. May be increased.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, four of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn, and that said William H. B. Thomas, Forman P. Hollinshead, John W. Buckman, William Depuy, Joseph H. Hollinshead, Charles L. Nichols and Matthew S. McCullough, shall be and hereby are appointed the first board of directors, to serve until the Directors. First directors.

first Monday in May next, and others shall be elected in their stead; and the said directors or a majority of them, as soon as conveniently may be hereafter, shall appoint one of their number to be president of said corporation until the said first Monday in May next, and another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors by death or otherwise, the board, at their next or any subsequent stated meeting, may fill such vacancy until their next annual meeting for an election of directors; and no person shall be a director but a stockholder.

Vacancies.

Elections.

5. *And be it enacted*, That an annual election of directors shall be held at Hackettstown, in the county of Warren, in this State, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place in said county, and upon such notice as shall be ordained by the by-laws or otherwise appointed; 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 first Monday in May next, or at the time appointed for the holding any subsequent election thereof, the said corporation shall not for that cause be deemed dissolved, but such election shall be had at such other time and place as the board of directors for the time being shall or may appoint; and in all cases the directors for the time being shall continue in office until new ones shall be elected in their stead, and every board of directors, as soon as conveniently may be after their election, shall appoint from one of their number a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his stead; that the president shall preside at all meetings of the board, but in case of his absence 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.

Failure to hold election not to dissolve.

Hold over.

Officers.

Dividends.

6. *And be it enacted*, That the dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders at such times 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 direc-

tors of the preceding year, to exhibit to the stockholders a full and accurate statement of the affairs of the corporation during that period; and they shall produce and exhibit to such meeting the accounts and papers of the corporation, if required to do so by any person or persons being stockholders. Exhibit to be made.

7. *And be it enacted*, That this corporation shall be limited to thirty years, and that the Legislature may alter, amend or repeal this act whenever the public good may require it. Term of charter.

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

Approved February 15, 1871.

CHAPTER L.

An Act to incorporate the St. Patrick's Total Abstinence and Benevolent Society of West Hoboken, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James McKenna, John O'Shea, Peter Tuohy, Michael McNeill, John Callery, Michael Wallace, Patrick Henry and Bernard McMahon and their associates, officers and members of said society be, and they are hereby constituted and declared to be a body politic and corporate in law, by the name, style and title of "The St. Patrick's Total Abstinence and Benevolent Society of West Hoboken, New Jersey," and by that name to have perpetual succession, to have a corporate seal with power to change the same at pleasure. Corporators. Title.

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

3. *And be it enacted*, That the said corporation shall have power to make and adopt by-laws and regulations for the admission, suspension and expulsion of its members, the elec- Powers.

tion of its officers, and to define their duties, for imposing and collecting fines and contributions from the members, and for the general management of its affairs, and from time to time, may alter or repeal the same.

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

Approved February 21, 1871.

CHAPTER LI.

An Act for the relief of the Guttenburg Ferry Company.

Preamble.

WHEREAS, the Guttenburg Ferry Company, through inadvertence, did not pay the State tax and assessment required by law, on a supplement to charter entitled, "A supplement to an act entitled 'An act to incorporate the Guttenburg Ferry Company,'" approved March twenty-sixth, one thousand eight hundred and sixty-nine, which supplement was approved March seventeenth, one thousand eight hundred and seventy, and said company being desirous of paying said tax and assessment, and receiving the benefits of said supplement; therefore,

Supplement revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said last mentioned supplement shall stand revived, and have the same force and effect, as if the said tax and assessment had been duly paid within the time required by law; *provided*, that the said tax and assessment shall be duly paid on or before the first day of July next, after the passage of this act.

Proviso.

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

Approved February 21, 1871.

CHAPTER LII.

An Act to vest the title of real estate, in the city of Trenton, in Barbara Davis, widow of Henry Davis, deceased.

Preamble. WHEREAS, Henry Davis, formerly of the city of Trenton, deceased, departed this life on or about the seventh day of September, anno domini one thousand eight hundred and sixty-five, in hospital, in Mississippi, (he having enlisted in one thousand eight hundred and sixty-three as a soldier,) seized of a lot of land, fronting on Lamberton street, in the city of Trenton, deeded to him by Hiram Lennox and wife, by deed bearing date the twenty-first day of October, anno domini one thousand eight hundred and sixty-three; AND WHEREAS, the said Henry Davis died intestate, and without issue, leaving Barbara Davis, his widow, him surviving; AND WHEREAS, the said Henry Davis has left no lawful heirs, by reasons whereof said lot of land, and the appurtenances must escheat to the State; AND WHEREAS, said lot was acquired by the industry of the said Barbara Davis, she having paid the original purchase money of one hundred dollars, given her for her support, by the said Henry Davis, when he left for the war, and since that time has paid by her own labor, the balance of said purchase money, two hundred dollars, and has erected a house thereon, and partially paid for the same, and now finding that she cannot execute a mortgage for the balance of the cost of its construction; AND WHEREAS, the said premises, with the pension she now receives from the United States government, will afford her a comfortable home; therefore,

Interest in real estate veste 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, estate and interest of the said State of New Jersey, of, in and to the lands and premises above described, be vested in the said Barbara Davis, her heirs and assigns; *provided*, that such estate shall be liable to all the just debts and liabilities of the said Henry Davis, deceased.

Proviso.

2. *And be it enacted*, That this act shall have immediate effect.

Approved February 21, 1871.

CHAPTER LIII.

An Act to incorporate the Mantua Land and Improvement Company.

Preamble.

WHEREAS, Horatio J. Mulford, Samuel A. Whitney, George Wood, John M. Moore, and others, their associates, own and have contracted to purchase certain tracts of land, situate in the county of Gloucester, on and near the route

Location.

of the West Jersey Railroad, which, with other land on and near said railroad, they intend to divide into lots and tracts, with the object, as well of laying out a town, as also of improving the country through which said railroad passes, and it is necessary for the success of the undertaking that they shall possess corporate powers, and shall be able to convey, from time to time, to purchasers, and to do all acts expedient or necessary, notwithstanding the death of any of said associates; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William J. Sewell, Thomas

Corporators.

P. Carpenter, George Wood, Samuel A. Whitney, Samuel Hopkins, Horatio J. Mulford, George S. Harris, John F. Starr, John M. Moore, Benjamin F. Lee and William F. Allen, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they hereby are created a

Title.

body politic and corporate, by the name of "The Mantua Land and Improvement Company."

Capital stock, May be increased

2. *And be it enacted*, That the capital stock of the said company shall be one hundred and fifty thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be divided into shares of fifty dollars each, and which shall represent the lands, tenements and hereditaments, which the said company, by this act, is empowered to

How subscribed and paid.

purchase, hold or acquire; said stock to be subscribed and paid, at such times, in such manner, in such instalments, and upon such notice as the directors of the said company may direct; and in case of failure by any stockholder to pay his or her instalments at the time and place of payment

thereof, or within thirty days thereafter, such stockholder, at the option of the directors, shall incur a forfeiture of his or her shares, and of all previous payments thereon for the use of the company.

Stock to be personal property.

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

Directors.

How chosen.

4. *And be it enacted*, That the affairs of said company shall be managed by eleven directors, to be chosen by the stockholders of said company annually, at such time, and in such manner as by the by-laws of the said company may be directed, who shall serve for one year and until others are elected in their stead; notice of which said election shall be previously given, for two weeks, at least, in one newspaper published in each of the counties of Gloucester and Camden; said directors shall elect one of the number to be president, and shall appoint other officers and agents as they may deem expedient, and allow them suitable compensation, delegating such agents and officers such powers as they may deem expedient.

Notice to be given.

First directors.

5. *And be it enacted*, That William J. Sewell, Thomas P. Carpenter, George Wood, Samuel A. Whitney, Samuel Hopkins, Horatio J. Mulford, George S. Harris, John F. Starr, John M. Moore, Benjamin F. Lee and William F. Allen, shall be the first directors of said company, who, or a majority of them, shall, as soon as convenient after the passing of this act, assemble and organize said company, and shall continue in office until the first Monday of March next, and until others are elected in their stead.

When may begin business.

Powers.

6. *And be it enacted*, That as soon as seventy-five thousand dollars of said capital stock shall have been duly subscribed, the said company shall be authorized to proceed to carry into effect the objects of said corporation; from time to time to contract for and purchase such lands and hereditaments in the county of Gloucester, on and near the route of said railroad, as they may deem expedient, and receive conveyances for the same; to lay off the same into building and other lots; to lay out and to dedicate to public use or otherwise suitable boulevards, squares, parks, streets, alleys,

and other divisions, and to level, grade and improve the same; to create any water power for manufacturing purposes, and to erect on the lands of the said company, all dams, water-ways, sluices, bridges, &c., necessary for the same; to erect factories, mills, and other buildings for manufacturing purposes; to erect buildings for residence or otherwise; to sell, mortgage, rent, or lease said property; and to execute all proper conveyances and assurances therefor; to issue bonds of the company to an amount not exceeding three-fourths of the capital stock, and secure the same by mortgage on the lands and property of the company, and to sell and dispose of the same to carry into effect the objects of the company; to issue certificates of stock, in whole or part payment of any real or personal property purchased; to regulate or prohibit the sale of any malt, vinous, spirituous, or other intoxicating liquors on their lands; to make regulations respecting the use of the property sold by the company, so as to prevent the manufacturing or sale of intoxicating liquors thereon, or the carrying on of offensive trades thereon, so far as deemed expedient; so also respecting the width and grade of the streets and sidewalks, the planting of shade trees, and the distance from the sides of the streets at which, according to circumstances, houses shall be built; and on sales of land to insert such regulations and restrictions as conditional stipulations in the deeds of the company, which shall, for the benefit of the settlement, be enforced at law and in equity, at the suit of the company, or any grantee or grantees thereof interested therein.

By-laws and regulations.

7. *And be it enacted*, That the directors shall have power to make such by-laws, rules and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects, and affairs of the said company; that if it shall happen that an election of directors shall not be made on the day appointed for that purpose, the said corporation shall not for that cause be deemed dissolved, but an election shall be held subsequently, at such time and place as the said directors shall appoint.

Shall not be dissolved.

Public act.

8. *And be it enacted*, That this act shall be deemed a public act, and shall go into effect immediately, and may be altered, amended, or repealed as the Legislature may see fit.

Approved February 21, 1871.

CHAPTER LIV.

An Act to incorporate the Millville Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Moore, John M. Moore, Jeremiah Smith, Nathaniel Stratton, Furman L. Mulford, Isaac B. Mulford, Francis Reeves, James H. Nixon and S. F. Fries, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted and appointed a body politic and corporate, by the name and style of the "Millville Insurance Company, of New Jersey," and by the same name have perpetual succession. Corporators, Title.

2. *And be it enacted*, That the capital stock shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars; the said stock to be divided into shares of one hundred dollars each; and there shall be paid into the treasury of said company by each subscriber the sum and instalment of ten dollars on each share of stock by him or her subscribed for, at the time of subscribing, and a further instalment of ten dollars, within three months after the organization of the company; *provided*, that the sum of fifty thousand dollars shall be paid in cash before commencing business, and the remainder of said shares shall be paid in such manner and instalments as the directors may determine; and if any subscriber of a share or shares of said stock, shall neglect or refuse to pay the instalments as aforesaid, for the space of sixty days after the same shall become due or required, and after thirty days' notice shall have been given to such stockholders, the stock of such negligent stockholder shall be sold by the directors, in such manner as they may provide in the by-laws; and the proceeds of said sales shall be first applied in payment of the instalment called for and the expenses of attending the sale, and the balance, if any, shall be refunded to the owner of said stock; and such sale in all respects, shall entitle the purchaser to all the rights of a stockholder to the extent of the share so bought. Capital stock. Proviso. Stock shall be sold. Balance to be refunded.

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

Powers.

the said company to insure dwelling houses, merchandize, personal and all kinds of property for any person or persons against loss or damage by fire, by perpetual policies, or otherwise; also to insure vessels of all descriptions, their appurtenances and cargoes, rights and interests, and property, against every description of casualty, incident to marine and inland transportation; also to insure the lives of persons against death from disease or accident, and generally to insure against all losses pertaining to fire, loss to persons by death from disease or accident, loss by marine or inland transportation, upon such terms and conditions as shall be contained in the policy of insurance.

Directors.

4. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by nine directors, a majority of whom shall be residents of this State, who shall continue in office one year and until others shall be chosen in their place, all of whom shall be stockholders of said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint; and a majority of the whole shall constitute a quorum for the transaction of business.

Majority shall be residents of State.

Oath of office.

President.

Vacancies.

Officers.

5. *And be it enacted*, That the board of directors may appoint a secretary and treasurer, and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon.

First directors.

6. *And be it enacted*, That the corporators named in the first section of this act, or whoever else a majority of them may determine, shall constitute the first board of directors, and their first meeting shall be held as soon as practicable after the passage of this act; and they are authorized to open the books and receive subscriptions to the capital stock of said company.

Contracts must be under seal.

7. *And be it enacted*, That all policies or other contracts may not be made without the seal of the company, and shall be signed by the president and secretary, and being so signed and executed, shall be binding and obligatory upon the company.

Elections.

8. *And be it enacted*, That the meeting for the election of directors shall be held on the first Monday of January in each

and every year, at such hour of the day as the board of directors may direct, at the office of the company, in Millville, of which notice is to be given once a week for two weeks previous to said election, and published in a newspaper circulating in Cumberland county; 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 the office and records of the company shall be kept in said city of Millville. Where held. Notice to be given. Office, where kept.

9. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and the shares transferable on the books of the company in such manner as they may prescribe. Stock to be personal property.

10. *And be it enacted*, That the company shall have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity; and by that name may also have, purchase, possess and enjoy, to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of said corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company; and may also have a common seal, and alter and renew the same at pleasure; also, may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this State or of the United States. Powers. May hold lands. Seal. Proviso.

11. *And be it enacted*, That this act may be altered, amended, modified or repealed by the Legislature at any time hereafter, and that it shall take effect immediately. Act may be amended or repealed.

Approved February 21, 1871.

CHAPTER LV.

A Further Supplement to an act entitled "An act to incorporate the Williamstown Railroad Company," approved March thirteenth, one thousand eight hundred and sixty-one.

Time of completion extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the completion of the railroad of the said company is hereby extended for four years from the time limited in the seventeenth section of the act to which this is a supplement.

Benefits to be considered.

2. *And be it enacted*, That the commissioners appointed, as provided for in the act to which this is a supplement, to examine and appraise the land or material, and to assess the damages which may be sustained by any land-holder, by reason of the construction of the road of the said company, shall take into consideration the benefits to be derived from said construction of said road to the owner or owners, and make a just and equitable estimate of the amount to be paid by the said company, and assess the same accordingly.

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

Approved February 22, 1871.

CHAPTER LVI.

An act to authorize the inhabitants of the township of Egg Harbor, in the county of Atlantic, to change their present mode of electing their overseers of public highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the overseers of the highways of each road district in the township of Egg

Harbor, in the county of Atlantic, shall be nominated and elected viva voce by a majority of the legal voters of such district assembled for that purpose in and for such district. Overseers, how elected.

2. *And be it enaced*, That such election for the present year shall be held in each road district on Saturday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, and the place for holding such election for the upshore district shall be at the Pleasantville school house, for the middle district, shall be at the Leedsville school house, and for the river district, at the school house near Jonathan Doughty's; that thereafter such election shall be held annually in said districts on Saturday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, at such place as shall have been appointed by said legal voters at the last election, but if they shall neglect or omit to appoint a place, then such election shall be held at the place at which such election was last held; *and further*, until other places are appointed, such elections shall be held at the places above designated. Elections, where held in 1871. Hereafter, where held.

3. *And be it enacted*, That the overseer of each district shall, at least eight days prior to such election, put up an advertisement in two of the most public places in his district, signed by himself, which advertisement shall make known the time and place of holding such election. Notice to be given.

4. *And be it enacted*, That at such elections a moderator and secretary shall be chosen, the said moderator to preside over such election, to decide all questions of order, and in cases of dispute to decide who have and who have not a right to vote, according to law, at such election. Officers of election. Powers of.

5. *And be it enacted*, That it shall be the duty of the secretary to make a certificate of the result of such election, stating who was duly elected overseer, and also the place appointed for holding the next election, which certificate, signed by the moderator and himself, shall, on or before the day of the following town meeting, be filed with the clerk of the township, to be by him recorded. Certificate, how made.

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

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

Approved February 22, 1871.

CHAPTER LVII.

An Act to divide Downe Township, in the county of Cumberland, into four road districts, and to provide for raising money, and for the election of overseers in the same.

Divided into road districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Downe, in the county of Cumberland, shall hereafter be divided into four road districts, to be known and designated as the First, Second, Third and Fourth Road Districts, of said township; and that hereafter the overseers of the highways of each of the said road districts in said township, shall be elected viva voce by a majority of the legal voters of each district assembled for that purpose, as hereinafter provided.

Overseers, how elected.

Elections, where held in 1871.

2. *And be it enacted*, That such election for the present year shall be held in each road district on the Saturday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, and the place of holding such election for the first district shall be at Newport, for the second district at Dividing Creek, for the third district at Port Norris, and for the fourth district at Mauricetown, in said township; and thereafter such election shall be held annually in said districts on Saturday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, at such place as shall have been appointed by said legal voters at the last election, but if they shall neglect or omit to appoint a place, then such election shall be held at the place at which such election was last held, and in all cases eight days' notice of such election shall be given by the overseer of each district by advertisements signed by himself and put [up] in two of the most public places in the district, making known the time and place.

Hereafter, where held.

Notice to be given.

Road money.

3. *And be it enacted*, That a majority of the legal voters present and voting at any such elections, are authorized and required to determine the amount of money which shall be

raised and expended in their district for road purposes during the year, and such sums of money as may be so agreed upon, shall be assessed and collected at the same time and in the same manner as other moneys are assessed and collected in said township, for township purposes; and there shall also be elected at the same time and place that the overseer is chosen and the amount of road money determined upon, a treasurer for each road district, who shall receive from the collector of the township the amount of money raised for road purposes in the district for which he shall be the treasurer, and who shall give security to the township for the faithful performance of his duty, in double the amount of money ordered to be raised by his district; and whose duty it shall be to disburse the moneys of the said district, upon the order of the overseer of the highways of the same.

How raised.

Treasurer.

Shall give security.

Duty of.

4. *And be it enacted*, That it shall be the duty of the president and secretary of the said annual meetings held for the election of overseers and for determining the amounts of money to be raised in the said districts, to make a certificate of the results of such election, stating who was duly elected overseer and treasurer of the district, the amount of money voted to be raised for road purposes, and the place appointed for holding the next election, which certificate signed by the president and secretary of said meeting shall, on or before the day of the following town meeting, be filed with the clerk of the township, to be by him recorded.

Duty of officers.

Certificate to be made and filed.

5. *And be it enacted*, That for the purpose of dividing the said township into four road districts, as provided by the first section of this act, John T. Ladow, George S. Marts, Levi Lore, David Haley and George E. Compton, are hereby appointed commissioners, who shall meet on the first day of March, one thousand eight hundred and seventy-one, at the village of Dividing Creek, and afterwards at such times and places as they shall appoint, and proceed to determine the boundaries of the said road districts, and having definitely ascertained and fixed the said boundaries, shall cause a certified copy of their proceedings and determinations to be delivered to the clerk of the township, to be recorded by him in the official records of the township.

Commissioners to determine boundaries.

Certified copy to be made and filed.

6. *And be it enacted*, That all acts and parts of acts in conflict with the provisions of this act, be and the same are

Repealer.

hereby repealed, and that this act shall take effect immediately.

Approved February 22, 1871.

CHAPTER LIX.

An Act to incorporate the Social Turn Verein, at Paterson, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Hening, Henry Rose, Simon Bicking, John Degelman, Gustavus Specht, and such other persons as now are or hereafter shall become members of the "Social Turn Verein," at Paterson, are hereby constituted a body corporate by the title act aforesaid.

Title.

Objects.

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

Powers.

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

May hold real estate.

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

Privilege of act extended to.

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

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

Approved February 22, 1871.

CHAPTER LX.

An Act to incorporate the Alexandria Vigilant Society, for detecting horse thieves, and mutually insuring horses and mules stolen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Alexandria Vigilant Society," for detecting horse thieves, and mutually insuring horses and mules stolen, in the county of Hunterdon, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of The Alexandria Vigilant Society, for detecting horse thieves, and mutually insuring horses and mules stolen; and by the same name shall have perpetual succession, and be able to sue and be sued in all the courts of New Jersey and elsewhere; and shall be able to purchase, receive, have, hold and enjoy to them and to their successors, lands, tenements, hereditaments, rents, annuities, franchises, goods and chattels of what nature, quality or kind soever, real, personal or mixed, or choses in action, and shall have power the same from time to time to sell, grant, alien and dispose of, and also to ordain, establish and put in execution such subordinate laws and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution of the United States or of this State, and generally to do all and singular such matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the proper management of its affairs. Title. Objects. Powers.

2. *And be it enacted*, That this society shall consist of all such persons as are now members or shall hereafter be admitted as such, agreeable to the by-laws of said society. Members.

3. *And be it enacted*, That the officers of said society shall consist of a president, a secretary, a treasurer, and five directors, and ten suitable persons to be denominated as pursuers, to be elected by the members of the society. Officers.

4. *And be it enacted*, That the officers enumerated by this

How chosen. act shall be chosen by ballot, at a general meeting of the said society, on the last Saturday of December, annually, to Term of. continue in office for one year, or until their successors be elected.

Funds, how used 5. *And be it enacted*, That the funds of the society shall be exclusively appropriated to the payment of rewards offered for, and the expenses incurred in detecting horse thieves, and insuring horses and mules stolen, and defraying the necessary costs attending the meetings of the society.

Act may be amended or repealed. 6. *And be it enacted*, That the Legislature reserves the right to alter, amend or annul the charter at any time hereafter.

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

Approved February 22, 1871.

CHAPTER LXI.

An act to incorporate the Neptune Fire Engine Company, No. 2, of the city of Paterson.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David I. Turnbull, Joseph Buckley, William Sommerville, Andrew Doremus, Cyrus Miller, John White, Edward Swift, and all persons who now are, or hereafter shall become, associates of the Neptune Fire Engine Company, No. 2, of the city of Paterson, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Title. "Neptune Fire Engine Company, No. 2, of the city of Paterson," and by such name they shall have succession, and be Powers. persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever, and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to

make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this State, or of the United States, as they shall think proper; *provided*, that said company shall be subject to and controlled by the same laws, ordinances, rules and regulations as the several companies of the fire department of the city of Paterson now are or may hereafter be subject to or controlled by. Proviso.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of twenty-five thousand dollars, which shall be applied to the purchase of real estate, stock in any insurance company, furniture for their house, equipments for their members, and such implements and machines, and to such incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire. Capital stock. How applied.

3. *And be it enacted*, That the said capital stock of the said company shall be divided into shares of ten dollars each, and at the time of subscription there shall be paid an instalment of ten per cent. on each share subscribed; the directors are 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 forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid. Shares, How paid.

4. *And be it enacted*, That books of subscription to the capital stock of said company shall be opened at the city of Paterson, at such time after the passage of this law as the members of the company shall deem proper. Books to be opened.

5. *And be it enacted*, That the said company shall elect, annually, out of their own body, a president and such other officers and assistants as they shall deem necessary for controlling their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company; at the expiration of his term of office, shall deliver it over to his successor, and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due to the said company. Elections. Officers. Duties of. Powers.

6. *And be it enacted*, That the property of said company, held under this act, shall be free and exempt from taxes and assessments. Exempt from taxes.

7. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president Annual statement to be put on record.

thereof, shall be placed upon the records of the said company, not less than fifteen days and not more than thirty days before each annual election.

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

Approved February 22, 1871.

CHAPTER LXII.

A Further Supplement to an act entitled "An act to incorporate the Essex County Mutual Insurance Company," passed February thirteenth, one thousand eight hundred and forty-four.

Policies may be issued for cash premiums.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the Essex County Mutual Insurance Company may, at the discretion of its directors, issue policies of insurance for cash premiums instead of notes; *provided*, that parties so insured shall not, by virtue of such insurance, be members of said company.

Proviso.

Directors may be classified.

2. *And be it enacted*, That at the first meeting of the directors of said company after the passage of this act, they may divide themselves into three classes of five directors each, of which one class shall serve as directors for one year, one class for two years, and one class for three years from the last annual election of directors of said company next preceding the passage of this act; and at each annual election thereafter, there shall be elected, by the members of said company, five directors whose term of service shall be three years.

Repealer.

3. *And be it enacted*, That so much of the sixteenth section of the charter of said company as limits its duration to thirty years, be and the same is hereby repealed.

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

Approved February 22, 1871.

CHAPTER LXIII.

An Act to organize a Pathological Society to be known as the Hudson County Pathological Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lorenzo W. Elder, John B. Burdett, Frank E. Noble, Isaac N. Quimby John Kudlich, John M. Cornelison, John Q. Bird, Emanuel Bock, A. Geer Avery, Frank Grisler, Ernst J. Lowenthal, Josiah Hornblower, Charles H. Serrington, Edward P. Buffett, James F. Morgan, their associates and survivors, be and are hereby created a body corporate, under the name of the "Hudson County Pathological Society;" that said corporation shall have power to purchase, hold, convey and encumber such real estate and personal property in the county of Hudson as may be necessary for the objects of its corporation; that it may sue and be sued, make a constitution and by-laws, and have all powers incident and necessary to carry out the provisions of this charter. Corporators. Title. Powers.

2. *And be it enacted*, That the said society shall have power to found and maintain a museum for the preservation and exhibition of specimens illustrative of the various diseases incident to the human body. May found a museum.

3. *And be it enacted*, That for the purpose of illustrating disease, or demonstrating any fact in pathological anatomy, the said society or its members at some proper place to be selected, may dissect such body or bodies, or parts thereof which they may properly obtain, as may be necessary for the above purposes. May dissect bodies.

4. *And be it enacted*, That such society may elect as its officers, a president, vice president, secretary, treasurer, and such other officers as may be determined on from time to time; that the term of office and duties may be defined in the constitution and by-laws. Officers.

5. *And be it enacted*, That the objects for which this society is created are the advancement of the science of Objects.

medicine, the instruction of its members in pathology and diagnosis of disease, and the treatment thereof, and the preservation of rare and valuable pathological specimens.

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

Approved February 22, 1871.

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CHAPTER LXIV.

An Act to incorporate the Germania Benefit Society, known as "The Germania Kranken-Unterstutzungs-Verein of Hudson County."

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Schullian, Adam Schaffer, John Rœprer, August Neyses, Nickolas Knœge, Albert Fisher, Rudolph Esau, Heinrich Rabeler, George Schmidt, Charles Ertle, Christian Schum and Michael G. Bauer, and such other persons as now are or hereafter shall become members of "The Germania Kranken-Unterstutzungs-Verein of Hudson County," are hereby constituted a body politic and corporate, by the name aforesaid.

Title.

Objects. 2. *And be it enacted*, That the object of this society shall be to provide for sick members, and members' wives in case of their deathonly.

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

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

Place of meeting. 5. *And be it enacted*, That the place of meeting shall be in that part of Jersey City formerly known as the city of Bergen.

Where may operate. 6. *And be it enacted*, That the working boundaries of said corporation shall be in Hudson county, State of New Jersey.

7. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the

restrictions and liabilities contained in the act entitled "An act concerning Corporations," passed and approved February the fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto. "Act concerning corporations," extended to.

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

Approved February 22, 1871.

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CHAPTER LXV.

A Further Supplement to the act entitled "An Act concerning Roads," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from the passage of this act, the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections of the act entitled "A Supplement to an act concerning Roads," which supplement was approved March twenty-third, one thousand eight hundred and fifty-nine, shall apply to and be in force within the boundaries of the township of Chatham, in the county of Morris. Provisions of act extended.

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

Approved February 22, 1871.

CHAPTER LXVI.

An Act to enable Blackwoodtown School District, Number Four, in Gloucester township, in the county of Camden, to raise a portion of their school money by a poll tax.

Poll tax may be imposed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of Blackwoodtown School District, Number Four, in the township of Gloucester, in the county of Camden, are hereby authorized, required and empowered at their annual district meetings, to raise by a poll tax of not less than one, nor more than four dollars on each tax-payer in said district, a portion of the sum necessary to be raised for the support of the public school, and for the payment of the debt incurred in building a new school house in said district.

When and how collected.

2. *And be it enacted*, That it shall be the duty of the assessor and collector of said township, to assess and collect such poll taxes, so ordered raised, at the same time as the township taxes are assessed and collected.

How paid out.

3. *And be it enacted*, That the moneys raised from said poll taxes, shall be paid out by the collector, only on the order of the district clerk.

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

Approved February 22, 1871.

CHAPTER LXVII.

A Supplement to an act entitled "An act concerning taxes, and to facilitate the collection thereof in the township of Landis, in the county of Cumberland."

Word "one" substituted for "two."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "two," in the first clause of the seventh section of said act, be stricken out,

and the word "one" be inserted in its stead, so as to read, "in one year;" also that the deed, as provided for in said section, shall not be executed nor delivered to the purchaser of any real estate as is therein provided, until all delinquent taxes are fully paid up on the land so sold by virtue of said act.

Deed not to be delivered until taxes are paid.

2. *And be it enacted*, That the collector performing the duties required of him by said act, shall be entitled to the same fees as are provided for in the eighth section of "An act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, one thousand eight hundred and fifty-four.

Collector, fees of.

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

Public act.

Approved February 22, 1871.

CHAPTER LXVIII.

A Supplement to an act entitled "An act to establish a new township in the county of Essex, to be called the township of Woodside," approved March twenty-fourth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the township of Woodside shall have power, and it shall be their duty to contract with the Newark Aqueduct Board for the laying of water pipes, and the erection of water hydrants in such parts of said township of Woodside, in such place and places as may be deemed necessary for the extinguishment of fires therein; and it shall also be the duty of said town committee to contract with the fire department of the city of Newark, to attend with fire engines and necessary hose of said department, all fires in such parts of said township as may be embraced in such contract, and such contract shall also embrace the putting up and establishing such fire telegraph in and between said township of Woodside and

Town committee shall contract for laying pipes, &c.

Also with fire department of Newark.

said city of Newark as may be necessary to give notice to said fire department of fires in said township.

Expense, how paid.

2. *And be it enacted*, That the cost and expense of laying water pipes, erecting hydrants, establishing fire telegraph, and attending and extinguishing fires in said township, as provided in the first section of this supplement, shall be assessed by the assessor of said township, under the direction of said township committee, upon the inhabitants of such parts or districts of said township, their estates and the taxable property therein as may be benefitted thereby, said tax to be collected with other taxes of said township by the collector thereof, and paid to said aqueduct board and department under the direction of said township committee.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 22, 1871.

CHAPTER LXIX.

A Supplement to an act entitled "An act to incorporate the Dickerson Suckasunny Mining Company."

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Dickerson Suckasunny Mining Company" may increase their capital stock to an amount not exceeding five hundred thousand dollars, and that the words "and shall continue in force for the term of thirty years," in the seventh section of the act to which this is a supplement, be and the same are hereby repealed.

Public act.

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

Approved February 22, 1871.

CHAPTER LXX.

An Act to change the corporate name of the Market Street Methodist Episcopal Church, in the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the "Market Street Methodist Episcopal Church," in the city of Newark, is hereby changed to "The Emanuel Methodist Episcopal Church," of said city. Name changed.

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

Approved February 22, 1871.

CHAPTER LXXI.

An act to incorporate The Jolly Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, William H. Lambert, Samuel Tippitt, Robert Richards, Edmund Canfield, Isaac B. Jolly, Thomas Bright, and all such persons as may hereafter be associated with them, their successors and assigns, shall and the same are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Jolly Mining Company," and by that name shall be capable in law of having and enjoying all the rights, privileges and franchises belonging to or incident to a corporation. Corporators. Title.

2. *And be it enacted*, That the whole amount of the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and be transferable on the books of the company according to the provisions of the by-laws of the said company. Capital stock.

Books of subscription to be opened.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places in this State, and upon such notice as they shall direct; and at the time of subscribing for said stock, such an amount on each share shall be paid, satisfied or secured to said commissioners as they, or a majority of them, shall determine, and the residue of the subscription shall be paid, satisfied or secured, as the directors shall determine, in such instalments, at such times and places, and in such manner, and to such person or persons as said directors may direct; due notice of the time, place and person to whom the same must be paid being given by notices published in a newspaper printed and circulated in the county of Morris, and in a newspaper printed and circulated in the county of Sussex, for two weeks, at least once in each week; and upon failure of any person to pay, satisfy or secure the payment of the instalments, or any of them, as aforesaid, the said directors shall have the power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of the said company, or any person or persons, for its benefit, and may sell or dispose of the same for the benefit of the said corporation, as said directors may direct, or the same may be divided proportionately among the remaining stockholders, to be by them held, enjoyed, transferred or sold, with all the rights and benefits incident thereto, as if it were original share or shares by them subscribed; and any real estate, mineral rights, interests or minerals used in the business of the corporation, received in payment or satisfaction of subscription for stock, shall be taken at a valuation approved by a majority of the directors or commissioners.

Notice to be given.

Stock may be forfeited.

Real estate shall be valued.

When directors may be chosen.

4. *And be it enacted*, That whenever ten thousand dollars of the capital stock aforesaid shall be paid, or satisfactorily secured to be paid, the above named corporators, or a majority of them, shall, by like notice as before directed, call the first meeting of the stockholders for the purpose of organizing the company and electing directors, and upon the election of such directors the duties and powers of the said commissioners shall cease.

Directors.

5. *And be it enacted*, That the affairs of the said company shall be managed by a board of not less than five nor more than nine directors, to be chosen by the stockholders

annually, at such time and place, and in such a manner as the by-laws of said company may direct, and who shall serve for one year and until others shall be chosen in their stead, notice of which election shall be given previously for two weeks at least, in a newspaper published in the county where said election is to be held, that a majority of said board shall be a quorum to transact business, and shall elect a president out of their body, and shall employ such other officers as they may deem necessary; that the said directors shall fill all vacancies in said board next to the annual election; and in case it shall at any time happen that an election of directors shall not be held on the day when required by this act it ought to have been held, the said corporation shall not for that cause be claimed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct.

Elections, when, where and how held.

Quorum.

Vacancies.

Shall not be dissolved.

6. *And be it enacted*, That the said company may purchase, use, possess, hold and enjoy such real estate as may be necessary or expedient for the purposes of said corporation; may sell, mortgage, lease, or otherwise dispose of the same at pleasure; may borrow money, issue bonds therefor not to exceed at any time one half of their capital stock; may sue and be sued in all courts of law or equity; may have a common seal, and change or alter the same at pleasure; may make such by-laws and regulations as shall be for the best interests of the company; may establish and carry on the business of developing mineral lands, lodes or veins, digging, excavating or tunneling mines, veins or drifts, raising, removing and carrying away any minerals mined or removed from the earth, by any way, means or vehicles, as may be expedient for the interests of the corporation; to acquire, receive, have, hold or enjoy any lands, tenements and hereditaments within this State, goods and chattels of whatsoever kind and quality necessary for the purpose of carrying on the rights and privileges hereby granted, with authority to lease, demise or contract to work or explore any mine or mines now developed or being developed, worked or owned by corporations or individuals, in private capacity, for any term of years, under such agreements, contracts, covenants or stipulations as shall be entered into by the said board of managers, or a majority of them.

May hold real estate.

May issue bonds.

Business, what may carry on.

May work mines

7. *And be it enacted*, That this act shall continue in force or the term of twenty years, and the said corporation shall

Act in force for twenty years.

"Act concerning corporations," extend to

possess the general powers and be subject to the 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.

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

Approved February 22, 1871.

CHAPTER LXXII.

An Act to incorporate the Woodstown Marl Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph K. Riley, Benjamin L. Tyler, Charles G. Dickinson, Isaac V. Dickinson and John W. Dickinson, and such others as may be associated with them and their successors, are hereby declared to be a

Title.

body politic and corporate, by the name of "The Woodstown Marl Company."

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of one hundred dollars each, to be deemed personal property, and transferable only on the books of this company.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons or a majority of them shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times as a majority of them shall think proper; and when fifteen thousand dollars capital stock shall have been subscribed and paid, such commissioners or a majority of them, shall have power to call a meeting of the stockholders, at such time and place as they may designate, by giving twenty

Notice to be given. Directors, term of.

days' notice thereof in a newspaper published in the county of Salem, to choose five directors, who shall hold their office for one year, or until others are duly elected; and such elections shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the stock enti-

tling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, which shall be on the second Thursday of April in each year, after the first election, 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 their current year by the said board of directors. Officers. Vacancies.

4. *And be it enacted*, That the said company when organized as aforesaid shall be and they are hereby authorized and empowered to purchase, have, hold, lease, occupy and convey such and so many marl beds as they may deem proper, situate in the county of Salem, in this State, and to open and work the same, and the marl and other materials taken therefrom to sell and dispose of in such manner as they may deem most advantageous to said company; and to purchase, hold and convey such other lands, and to erect such buildings and use such machinery as may be necessary and convenient for all or any of said business. Powers.

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

6. *And be it enacted*, That the board of directors shall have power to make such by-laws as may be deemed necessary for their government and for the transaction of the business of the company. By-laws.

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

Approved February 22, 1871.

CHAPTER LXXIII.

An Act to change the name of the Second Presbyterian Church of Fairfield, incorporated by certificate dated November nineteenth, one thousand eight hundred and thirty-eight, and recorded in the clerk's office of Cumberland county.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Second Presbyterian Church of Fairfield, is hereby changed to the Second Presbyterian Church of Cedarville.

Title not impaired.

2. *And be it enacted*, That the titles of all lands (if any) heretofore conveyed by the said corporation are hereby confirmed, and all lands and real estate now held by the same, and all bequests heretofore made and now pending, shall be held by the said corporation, the same as if the name or title thereof had not been changed; *and further*, that all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed.

Rights and liabilities to remain.

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

Approved February 22, 1871.

CHAPTER LXXIV.

An Act to incorporate The Franklin Gold Mining Company, of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That N. N. Halstead, Robert S. Swords, William D. Russell, Stephen G. Sturges and William E. Sturges, and the survivors of them, and all such persons as may hereafter be associated with them, and their successors and assigns, shall be and they are hereby created

a body politic and corporate, by the name of "The Franklin Gold Mining Company, of Newark, New Jersey," by which name said corporators and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing and being sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatever. Title.

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

3. *And be it enacted*, That subscriptions to the capital stock may be paid by the sale and transfer to the company of, and it shall be lawful for said company to grant and issue certificates of shares in part or full payment for land or real estate, or any leasehold or other interest, or any property appropriate to the business contemplated by this act, at a valuation to be agreed upon; and the directors of said corporation may issue bonds bearing interest by coupons or otherwise, at a rate not exceeding seven per centum per annum on the par thereof, secured by mortgage or otherwise, and sell or dispose of the same at their market value, notwithstanding it may be less than par; and such bonds shall be deemed lawful, and the company shall be liable to the full amount thereof, and interest at the rate therein specified, and any of said bonds may be made convertible into stock on such terms as the directors may prescribe. Subscriptions to, how paid. Bonds may be issued. Company liable.

4. *And be it enacted*, That said corporation shall be able and capable in law, and have the power to take, receive, and hold in fee simple, or any less estate or interest in any lands and mineral or other rights and privileges, with their appurtenances, in the State of North Carolina, or elsewhere in the United States or the territories thereof; and shall have power to mortgage, sell, convey, lease or otherwise dispose of the same, or any part thereof, or any interest therein, and to retain or reserve rents, royalties, or other interests therein, and dispose of the same, and shall have the right to Powers.

prove and open mines on said lands and work the same, and all mineral lodes and veins therein, and prepare the product of said lands and rights for, and transport the same to market and dispose of the same; also to purchase, have, use and dispose of such machinery, goods, wares, merchandise and personal property, and do such other acts and things, and make all such improvements and erections as a successful prosecution of the business of the company may require; but no part of the capital stock of said company shall be used in banking operations.

Corporations may hold stock.

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

Banks not to hold except as collateral.

Directors.

6. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of not less than five and not more than nine directors, one of whom shall be president, and the persons named in the first section of this act shall be and are hereby constituted a board of directors, and they shall hold office, with the power to fill any vacancy or vacancies until the first annual election and the organization of the board then elected, and all directors thereafter elected shall hold office until others are elected and enter upon their duties; within one year after the passage of this act, and annually thereafter, the directors shall be elected by ballot, at such time and place and under such regulations as the by-laws may prescribe, they being stockholders; and if for any cause the election of directors shall not take place at the time fixed, it shall be lawful to elect the same at any other time after two weeks' public notice thereof, in a newspaper published in Essex county, in this State, and in all elections by the stockholders, each share of stock not held by an incorporated bank, shall entitle the holder thereof to one vote in person or by proxy.

First directors.

Directors, how elected.

Powers of.

7. *And be it enacted*, That the board of directors shall have power to enact, alter, amend and repeal by-laws, rules and regulations prescribing the number of directors here-

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

Quorum.

Stock may be forfeited.

Notice to be given.

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

Offices, where kept.

Elections, where held.

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

Approved February 22, 1871.

CHAPTER LXXV.

A Supplement to the act entitled "An act for the preservation of order in a portion of the township of Monroe, in the county of Camden."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act for the preservation of order in a portion of the township

Act of 1869 extended.

of Monroe, in the county of Camden," approved April first, one thousand eight hundred and sixty-nine, be extended to include Washington Grove school district, in said township, and such school district is hereby annexed to the district as specified in the act to which this is a supplement; and all the benefits and privileges of said act are hereby extended to said Washington Grove school district, the same as if the said act had originally been extended over said district.

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

Approved February 22, 1871.

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CHAPTER LXXVI.

A Supplement to an act entitled "An act to incorporate the Newark and Hudson Railroad Company," approved March seventeenth, one thousand eight hundred and forty.

May take 200 feet of land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where it shall be necessary for said railroad to locate their line over lands where the cutting or filling shall require a greater width than one hundred feet, the said company shall have power to take such land, not to exceed two hundred feet in width, as may be necessary for a double track with slopes and berms.

Act may be revised.

2. *And be it enacted*, That the said company shall pay into the Treasury of the State of New Jersey the fees required by law to be paid for the passage of the act to which this is a supplement, and that upon such payment being made, the said act and the proceedings already taken under it shall be and continue in full force and effect.

Public act.

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

Approved February 22, 1871.

CHAPTER LXXVII.

An Act to authorize the Maurice River Bridge Company to sell and convey their bridge to the board of chosen freeholders, of the county of Cumberland, and to authorize said board of chosen freeholders to purchase and acquire the same, and to convert the road of the said bridge company, which is appurtenant to said bridge, into a public highway.

Preamble. WHEREAS, by an act of the Legislature, of the State of New Jersey entitled "An act to incorporate the Maurice River Bridge Company," approved March twenty-ninth, anno domini one thousand eight hundred and sixty-four, said bridge company were authorized to build a bridge over and across Maurice river in said county of Cumberland, from the foot of High street, at Mauricetown, in said county, and to construct and keep up a road appurtenant to said bridge, sixty feet wide, from the end of said bridge in Maurice River township to the main road leading from Port Elizabeth to Dorchester; AND WHEREAS, said bridge company have built said bridge and constructed and opened said road, according to the provisions of said act; AND WHEREAS, said bridge company desire to convey the said bridge to the said board of chosen freeholders, who desire to acquire the same, for the purpose of making it a public county bridge; AND WHEREAS, upon such conveyance of said bridge, it is expedient that said road should become a public highway; therefore,

May convey bridge. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said the Maurice River Bridge Company, to execute, and for the said board of chosen freeholders, of the county of Cumberland, to receive a valid conveyance of the said bridge, for such a price as shall have been, or shall be, agreed on between said parties.

Powers of board of freeholders. 2. *And be it enacted*, That upon the execution and delivery of said conveyance, the property, power, rights, and liabili-

ties of the said board of chosen freeholders, in, over, and concerning said bridge, shall be the same as if said bridge had been originally constructed by said board, by virtue of an act of the Legislature of this State, for that purpose enacted; and that upon the execution and delivery of said conveyance, the said road of said company, now appurtenant to said bridge, shall be deemed to be, and shall become, and shall be worked and managed as a public highway, the same as if said road had been laid out and established, according to the provisions of the general road act; and that upon the execution and delivery of said conveyance, the existence of the said the Maurice River Bridge Company as a corporate body, shall become extinguished.

Shall be public highway.

Company to be extinguished.

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

Approved February 23, 1871.

CHAPTER LXXVIII.

A Further Supplement to "An act to establish a system of public instruction," approved the twenty-first day of March, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the legal voters of Newton school district, number one, in the county of Sussex, to borrow money for any of the purposes mentioned in the eighteenth section of the act to which this is a supplement, they are hereby empowered to authorize, by the consent of two-thirds of those present at any special meeting of said voters, (to be called in accordance with the provisions of the eleventh paragraph of the thirty-ninth section of said act,) the trustees of said district to raise by loan, such sum or sums of money, not exceeding ten thousand dollars, as two-thirds of those assembled shall agree to: and for the sum or sums so determined to be raised by loan, it shall be lawful for the trustees of said district to issue obligations in the corporate name of the said district, paya-

May borrow additional money.

ble at such time or times and place as shall be fixed by a majority of two-thirds of said legal voters present at the meeting thereof, which shall authorize the raising of money as aforesaid; and said obligations shall bear such rate of interest, and shall be drawn, signed, countersigned, numbered and registered, in such manner as was prescribed in the case of the obligations authorized by the supplement to the act to which this is a further supplement, approved the sixteenth day of April, one thousand eight hundred and sixty-eight.

Payment to be provided for.

2. *And be it enacted*, That it shall be the duty of the said Newton school district number one, in the county of Sussex, to provide by taxation for the payment of the obligations by this act authorized, with the interest which may accrue thereon.

Town officers, duties of.

3. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the assessor and collector, and other proper officers of the town of Newton, in said county of Sussex, to assess upon the inhabitants of said school district and their estates, and the taxable property therein, and collect all the taxes necessary for the purpose of redeeming and paying the obligations authorized to be issued by this act, in the same manner, and at the same time that town taxes in said town are or shall be assessed and collected; and that for the purposes of this act, and of the exercise of their powers thereunder, by the said officers, said school district shall be considered as lying entirely within the limits of said town of Newton.

School district, location defined.

Repealer.

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

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

Approved February 23, 1871.

CHAPTER LXXIX.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, anno domini one thousand eight hundred and sixty-three.

Six wards. Boundaries of.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the city of New Brunswick shall be divided into six wards, the boundaries of which shall be as follows: The first ward shall be bounded on the north by New street, on the east by the Raritan river, on the south by Lawrence's brook, and on the west by George street, Clifton and Neilson avenues; the second ward shall be bounded on the north by New street and Livingston avenue, on the west by the boundary line of the city of New Brunswick, on the southeast and east by Neilson and Clifton avenues and George street; the third ward shall be bounded on the east by the Raritan river, on the south by New street, on the west by Neilson street, and on the north by Washington street; the fourth ward shall be bounded on the south by New street, on the west by George street, on the north by Washington street, and on the east by Neilson street; the fifth ward shall be bounded on the south by New street and Livingston avenue, on the west by the boundary line of the city of New Brunswick, on the north by Somerset and Albany streets, and on the east by George street; the sixth ward shall be bounded on the west by the boundary line of the city of New Brunswick, on the north by the Mill Run brook and the Raritan river, on the south by Albany, Somerset and Washington streets, on the east by the Raritan river and George street, from Washington street to Albany street.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

Aldermen. How chosen. Terms of.

2. *And be it enacted*, That each ward shall be hereafter authorized to elect annually one alderman, who shall hold his office two years, and in each and every year there shall be elected in each and every ward one chosen freeholder, one constable, one ward clerk, three judges of the election,

who shall hold their offices respectively for the term of one year.

Continued in office.

3. *And be it enacted*, That the aldermen whose terms of office do not expire on the first Monday after the first day of May, one thousand eight hundred and seventy-one, shall be and they are hereby continued in office for the period for which each of them were elected and qualified.

Elections, where and when held.

4. *And be it enacted*, That the annual charter election of the city of New Brunswick, prescribed in the sixth section of the act to which this a supplement, and for the raising of money for said city, shall be held in each of said wards on the third Tuesday in April next, and on the third Tuesday in April, in every year thereafter, at such places in said wards as the common council shall appoint.

Who eligible to office.

5. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of such ward; and when any officer elected at any such election shall cease to reside in said city, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant.

Repealer.

6. *And be it enacted*, That the fourth section of an act entitled "A further supplement to the charter of the City of New Brunswick, authorizing the issue of bonds for security and payment of existing debts," approved March fifteenth, one thousand eight hundred and seventy, be and the same is hereby repealed.

Common council Powers of.

7. *And be it enacted*, That the common council of said city is hereby authorized to grant licenses to persons to keep inns, taverns, and restaurants, with the privilege of selling therein victuals, ales, beer, vinous, spirituous and other strong liquors or drinks, either or all as council may direct, for the accommodation of citizens and travelers: and to assess and fix such rates, and make such rules and regulations concerning them, for the accommodation of the public and maintenance of good order, as may be just and proper; or to prohibit altogether the sale of ale, beer, vinous, spirituous and other strong liquors within the corporate limits of the city.

Salaries.

8. *And be it enacted*, That the several officers of said city hereinafter named, shall respectively be entitled to receive the annual salaries and pay hereinafter mentioned, that is to

say: the city treasurer at the rate of fifteen hundred dollars by the year, the city assessor at the rate of fifteen hundred dollars by the year, the street commissioner at the rate of one thousand dollars by the year, the overseer of the poor at the rate of seven hundred dollars by the year, the city physician at the rate of three hundred and fifty dollars by the year, the city surveyor at the rate of three hundred dollars by the year, the city clerk at the rate of eight hundred dollars by the year, and in addition thereto such fees for making out and issuing licenses as the common council may direct, the mayor at the rate of three hundred dollars by the year, the president of common council at the rate of three hundred dollars by the year, and each of the other members of the common council at the rate of two hundred dollars by the year; all of said salaries to be due and payable at the end of each official quarter of three months, by direction of common council and on the order of the mayor.

Fees.

When payable.

Statement to be made out.

9. *And be it enacted*, That it shall be the duty of the city treasurer to make out, at the end of each and every month, a full and true statement of the receipts and expenditures of said month, and all moneys passing through his hands, including a statement of the amount of the several appropriations voted by the people, the amounts ordered paid by common council during said month, the amounts paid under each appropriation, the balance of each appropriation unexpended, if any, the amounts expended over each appropriation, if any, the amounts of all moneys and property received, from what source, and the amounts remaining in his hands, if any; and within five days thereafter deliver said statement to the city clerk, who shall lay it before the common council at its next meeting, and publish the same in the newspapers printed and published in said city within one week after it shall have been filed in his office; it shall also be the duty of the city treasurer, within thirty days after the commencement of the fiscal year in each and every year, to make out a detailed statement of all the receipts and expenditures of the preceding fiscal year, including every description of expenditure by items, the amount claimed and the amount allowed in each and every instance, for what purpose, by whom ordered, and to whom paid, clearly and plainly arranged under appropriate headings; and to cause such annual statement to be published in the newspapers printed in said city, within five days thereafter;

To be delivered to city clerk.

Annual statement, how made.

and for each and every neglect to perform the duties prescribed in this section, he shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine of two hundred dollars. Penalty of failure.

10. *And be it enacted*, That it shall be the duty of the city clerk to make out, at the end of each and every month, a detailed statement by items of the number of licenses issued during said month by him, to whom, for what purpose, the amount of money received in each instance, and the date thereof; which statement he shall present to the common council at its next meeting, and cause the same to be published in the newspapers printed and published in said city, it shall also be his duty, on or before the fifth day in each and every month, to pay over to the city treasurer all moneys which, by any law, ordinance or usage, may be paid to the city clerk for the use and benefit of the city, and received by him during the preceding month, and report to common council at its next meeting the amount thereof, and for each and every neglect to perform the duties prescribed in this section he shall forfeit for the use of the city the sum of fifty dollars. City clerk, duty of. Moneys to be paid to treasurer. Penalty.

11. *And be it enacted*, That the street commissioner shall make out at the end of each and every month, a detailed statement by items of the work done by him, and under his direction, when, where, the cost and expenses thereof to the city or individuals, and by whose order, and report the same to common council at its first meeting thereafter, who shall cause the same to be published in the newspapers printed and published in said city within one week thereafter; and for each and every neglect to perform the duties prescribed in this section, he shall forfeit for the use of the city the sum of one hundred dollars. Street commissioner, duty of. Penalty.

12. *And be it enacted*, That the overseer of the poor shall make out at the end of each and every month, a full and detailed statement of the amount of moneys received and paid out by him during said month, or under his order, to whom paid, by whose order, and report the same to common council at its first meeting thereafter. Overseer of poor.

13. *And be it enacted*, That it shall be the duty of the city physician to make out at the end of each and every month, a detailed statement of the visits and work done by him during said month, to whom and for whom, and report the same to common council at its next meeting thereafter; also, City physician.

at all times to immediately report to common council the presence of any dangerous or infectious disease within the city limits, or adjacent thereto; and make such suggestions for the prevention or abatement of the same throughout the city as the circumstances may warrant.

Repealer. 14. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and they are hereby repealed.

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

Approved February 23, 1871.

CHAPTER LXXX.

An act to incorporate the Minard Home, of Morristown.

Corporators, 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George J. Ferry, Theodore Runyon and Dayton Minard, and their associates, shall be, and they and their successors are hereby constituted a body

Title. corporate and politic, by the name of "The Minard Home, of Morristown," and by that name shall have perpetual succession, and shall be capable in law of suing and being sued,

Powers. and of acquiring and receiving property, real and personal, by gift, purchase, bequest, devise, or otherwise, for the purposes of the corporation, and of holding and conveying the same.

May receive and convey real estate. 2. *And be it enacted*, That said corporation shall be capable of acquiring and receiving property by gift, bequest, demise, purchase or otherwise, for the purposes of the corporation, and of holding and conveying the same; and it is especially hereby authorized and empowered to receive by conveyance in fee simple, from Edmund S. Janes, the lands and premises in Morristown, in the county of Morris, to him conveyed in trust by Abel Minard and Hannah T., his wife, by their deed dated July first, eighteen hundred and seventy, and the same to hold in trust for the uses and purposes in

To hold lands. For what purpose. and by this act, and said deed declared, viz: to have and to hold said premises, with their appurtenances, as a home

for the female children of foreign missionaries of the Methodist Episcopal Church in the United States of America, and for female orphans and half orphans, who are or shall be children of ministers of said church, and for such other female orphans and half orphans as the trustees, under this act, may select and designate; *provided, however*, that all orphans and half orphans who shall be admitted to said home shall be such as are or shall be without means or provisions for their support. Proviso.

3. *And be it enacted*, That all the beneficiaries of said institution, residing in said home, shall receive such secular education as may be practicable, and shall be there taught the due observance of the Christian Sabbath, and there receive on that day Biblical instruction, and shall attend there or in some other place religious worship, and shall receive, at such institution, the advantages, as far as practicable to extend the same to them, of a quiet and well-ordered christian home. Beneficiaries.

4. *And be it enacted*, That the affairs of said corporation shall be managed by eighteen trustees, who shall be appointed by the bishops, for the time being, of said church in manner following, viz: the following persons, Edmund, S. Janes, Theodore Runyon, William L. Harris, Dayton Minard, Henry A. Butts, George J. Ferry, Elwood Stokes, Cornelius Walsh, Lewis R. Dunn, James Bishop, John Miley, Harvey Baker, William Boole, Andrew V. Stout, James Neill, Samuel Eddy, William Claflin and John Evans, who have been for that purpose appointed by the said bishops, shall be the first board of trustees, and shall hold their office as such until the next general conference of the said church, and until other trustees shall have been appointed in their stead, and at each general conference of said church, the bishops, for the time being, who shall be then and there present, shall there appoint eighteen trustees for said corporation, to hold office until the next general conference, and until other trustees be appointed in their stead. Trustees, how appointed. Names of first.

5. *And be it enacted*, That it shall be lawful for said trustees to hold their meetings at Morristown, Newark, Jersey City, or in the city of New York, according as they from time to time, for their own convenience, may determine. Meetings, where held.

6. *And be it enacted*, That the board of trustees, for the time being, of said institution, shall report to each general Reports to be made.

conference of said church the condition of the institution and its finances, and generally such matters and things as may be necessary to inform said general conference of the actual condition and wants of the institution.

Exempt from taxes.

7. *And be it enacted*, That the property and effects of said corporation, held for the purposes thereof, shall not be liable to the imposition of any tax or assessment; *provided*, that the total value of the real estate so held by them shall not, at any one time, exceed one hundred thousand dollars; *and provided, also*, that this exemption shall extend only to the time that such real estate and personal property and effects are actually used for the purposes of said institution.

Proviso.

Proviso.

By-laws.

8. *And be it enacted*, That said corporation shall have power to pass and ordain all such by-laws as the board of trustees may see fit; *provided*, the same be not repugnant to the constitution or laws of this State, or the constitution of the United States.

Proviso.

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

Approved February 28, 1871.

CHAPTER LXXXI.

A Supplement to an act entitled "An Act to incorporate the New Jersey Wood Paving Company," approved March seventeenth, one thousand eight hundred and seventy.

Number of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual meeting of said company, the stockholders thereof shall elect seven directors, and from and after that time the number of directors shall be seven, who shall be stockholders therein, and a majority of whom shall constitute a quorum for the transaction of business, and so much of the act to which this is a supplement as requires the election of twelve directors, be and the same is hereby repealed.

Quorum.

Repealer.

Report to be made.

2. *And be it enacted*, That it shall be the duty of the directors of said company, at each annual meeting of the company, to report in writing to the stockholders thereof,

a detailed statement of the receipts and expenditures of said company for the previous year, and within ten days after the annual meeting of the stockholders the directors elected at such meeting, shall meet and organize said board, and unless the profits of the past year shall have been previously divided, they shall make a dividend among the stockholders of the company, of not less than seventy-five per cent. of the net earnings for the year next preceding the annual meeting, and in case the annual meeting shall not be held at the time fixed by the by-laws of the company, then the said dividend shall be made on or before the first Tuesday in March, in each year, and after the first Tuesday of March, eighteen hundred and seventy, the said company shall divide the profits of their business semi-annually.

Dividends, shall make.

Semi-annual dividends.

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

Approved February 28, 1871.

CHAPTER LXXXII.

A Further Supplement to the act entitled "An Act to incorporate the New York and Long Branch Railroad Company," approved April eighth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the act to which this is a supplement, for the commencement of said road, shall be extended to three years from the approval of said act, and the time limited for the completion thereof, to five years thereafter.

Time extended.

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

Approved February 28, 1871.

CHAPTER LXXXIV.

An Act to annex the townships of Washington and Monroe, in the county of Camden, to the county of Gloucester.

Part of county of Camden set off to Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Camden comprising the townships of Washington and Monroe, (except that part of the township of Washington included within the boundaries of the Camden county almshouse farm, which is to remain part of said county of Camden, and be annexed to and made a part of the township of Gloucester, in said county,) shall be and the same is hereby annexed to and made a part of the county of Gloucester, and shall be subject to all laws applying to the said county of Gloucester, and shall have all the privileges and immunities of the other portion of Gloucester county, and the residue of the said township of Washington shall hereafter be known as "the inhabitants of the township of Washington, in Gloucester county," and the said township of Monroe shall hereafter be known as the "inhabitants of the township of Monroe, in Gloucester county," and the division line between the townships of Washington and Monroe on the one hand, and the townships of Gloucester and Winslow on the other hand, as said townships are hereby constituted, shall be hereafter the boundary line between the counties of Camden and Gloucester.

Washington. Title of.

Monroe. Title of.

Boundary lines.

Officers shall hold till expiration of term.

2. *And be it enacted*, That the justices of the peace and other officers within the townships hereby annexed to the county of Gloucester, shall continue to hold, exercise and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, until their terms of office shall expire.

Suits not to be affected.

3. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings commenced or depending in the supreme court of this State, or in any court, or before any justice of the peace within the county of Camden, as the same stood before the passing of this act, shall be in no wise affected by this act, but the same shall

and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed; *provided*, that in all such cases pending in the supreme court where the defendant in any transitory action shall at the time when this act takes effect reside within the townships hereby annexed to the county of Gloucester, or when in any local action the cause of action arose within the townships hereby annexed, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Gloucester, and the same tried therein as if the said action had originally been commenced in said county. Proviso.

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

Officers shall execute.

5. *And be it enacted*, That the inhabitants of that part of said county of Camden hereby annexed to the said county of Gloucester, shall be exempted from the payment of any part of the debt of the county of Gloucester now contracted, but shall continue liable for the payment of their just quota or proportion of the debt of the county of Camden, as if this act had not been passed; *provided*, the full and just value of the county property and assets of said county, shall first be deducted from the amount of such debts, and such property shall then belong to the said county of Camden wherein situated; and for the purpose of ascertaining the proper quota or proportion of said property and debt, John F. Bodine and Abijah S. Hewitt, of the townships hereby annexed to Exempt from payment of debt.

Proviso.

Gloucester county, and Charles Wilson and Joseph C. Stoy, of Camden county, shall form a commission to make such appraisement and apportionment and for that purpose shall meet at the court house in the county of Camden, on Wednesday, the tenth day of May next, at the hour of ten o'clock in the morning, and shall thereupon proceed to take an oath or affirmation to fairly and impartially value and fix the value and assessment; they may adjourn from time to time, and at other places to be by them agreed upon, and shall at such time or times proceed to make such division or apportionment as is just and proper, and shall when they make such final award or decision, they or any three of them shall make such award, and file the same in the clerk's office of Camden county; in case of the death, resignation, removal, or disqualification of any of the foregoing commissioners, the board of freeholders of the county of Camden shall appoint others in their stead.

Commissioners of appraisement.

Duties of.

Award to be filed,

Bonds or notes may be given.

6. *And be it enacted*, That when the amount shall be determined by such commissioners as the just and true proportion belonging to the said townships of Washington and Monroe, the said John F. Bodine and Abijah S. Hewitt, shall proceed to apportion and divide the sum found to be due by such township to the county of Camden, in just proportion according to the valuation as returned to the board of assessors in one thousand eight hundred and seventy, and such townships respectively, may and they are hereby authorized and required to give to the county of Camden their bonds or notes for the payment of such amounts, with interest for the same, payable at such times as may be agreed upon by the township committees of such townships and the board of freeholders of Camden county; the county of Camden shall have the power to enforce and collect the payment of such amounts so found due, in the same manner as if such townships had not been so set off to the county of Gloucester, in case such township does not make satisfaction as above required.

Collection may be enforced.

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

Approved February 28, 1871.

CHAPTER LXXXV.

Supplement to an act entitled "An Act for the Preservation of Deer and other Game," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person or persons to shoot or kill, in the county of Cape May, any wild geese, brant or wild ducks at night, that is to say, after sunset in the evening, or before sunrise in the morning; nor shall it be lawful to shoot or kill any wild geese, wild ducks or brant in the county of Cape May, except only between the fifteenth day of November and the twentieth day of March, of each year, under a penalty of fifteen dollars for each offence, to be recovered in an action of debt before any justice of the peace in said county; and any person in whose hands any wild goose, wild duck or brant shall be found, that shall have been killed contrary to this act, shall be deemed, taken and adjudged to be the killer and destroyer of the same, and shall be liable to the penalties aforesaid. Wild ducks and geese, when may not be killed. Penalty.

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

Approved February 28, 1871.

CHAPTER LXXXVI.

A Supplement to an act entitled "An Act to facilitate the collection of taxes in the township of Washington, in the county of Burlington," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act to which this is a supplement, be altered and amended so Act altered.

Lands not to be sold until return is made.

as to read "that no land shall be sold by virtue of this act, until the township collector for the time being shall have made a return, which return he is hereby authorized to make to the township committee then in office, that the taxes or any of them, assessed on said lands, either for that or any former year or years are unpaid, and have by him or some former collector of said township been returned as delinquent, and shall verify the same by affidavit attached thereto."

2. *And be it enacted*, That all other parts of said second section of said act, to which this is a supplement, be and the same are hereby repealed.

Repealer.

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

Approved February 28, 1871.

CHAPTER LXXXVII.

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.

One freeholder instead of two.

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 several townships in the county of Bergen, to elect for each township in said county but one chosen freeholder, instead of two, as now authorized by law, and that all acts and parts of acts, inconsistent with this act, be and the same are hereby repealed.

Repealer.

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

Approved February 28, 1871.

CHAPTER LXXXVIII.

An Act to authorize the construction of a draw or swing bridge over the Elizabethtown Creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Union to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, with a suitable draw or swing therein of not less than forty feet in width, which bridge shall be located at or near the point where John street intersects said creek at Elizabeth. May build bridge with draw.

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 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 abutment thereof, or otherwise willfully damage, or cause to be damaged the said bridge or any part thereof, he or she so offending shall, for every offence, forfeit and pay the sum of fifty dollars over and above the damage done to the said bridge or any part thereof, to be recovered in an action of debt before any court of 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 for the use of said county, to be paid to the collector thereof. Injuries or unnecessary opening. Penalty.

3. *And be it enacted*, That the said board of chosen freeholders for the time being shall at all times be bound to provide for opening the draw or swing in said bridge for the passage of vessels and boats, so that they shall not be subjected to unnecessary detention by reason of the same; and to maintain said bridge in good repair, and that in case it shall become necessary for the accommodation of persons and vehicles passing over, or of vessels or boats passing through the said bridge, to have the same put in the charge Draws must be provided.

May employ keeper.

or care of some suitable person or corporation for that purpose, then and in that case it shall be lawful for the said board of chosen freeholders for the time being to make such contract and regulations with such person or with the city of Elizabeth, as they shall deem necessary for the better accommodation aforesaid, provided they be in accordance with the preceding sections of this act; *provided*, that no person or corporation shall at any time charge or receive any toll whatsoever for crossing the said bridge.

Proviso.

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

Approved February 28, 1871.

CHAPTER LXXXIX.

A Supplement to an act entitled "An act to incorporate the State Insurance Company, in the State of New Jersey," approved March twenty-third, one thousand eight hundred and fifty-nine.

Number of directors may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said company to increase the number of its directors to any number not exceeding twenty-four in all, and for that purpose the stockholders of said company may elect nine additional directors of said company, or such less number as may be deemed advisable; and that for the purpose of electing such additional directors of said company, a special election may be called at any time by the board of directors thereof; but at least two weeks' notice of such election shall be given, in two of the public newspapers of Jersey City; and such additional directors shall be divided into classes, as required by the charter of said company, an equal number being assigned at such election to each of the three classes provided for by said charter; and each of said additional directors shall be required to be a stockholder of said company before he can act as a director thereof.

Special election.

Notice to be given.

Directors may be classified.

2. *And be it enacted*, That it shall be lawful hereafter to

hold the annual election for directors of said company, on the third Monday of December, in each year, instead of the second Monday of January, as required by the charter of said company. Elections, time of holding changed.

Approved February 28, 1871.

CHAPTER XC.

An act to incorporate the Englewood Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name of the "Englewood Insurance Company," to be located in the village of Englewood, in the county of Bergen, and State of New Jersey. Title. Location.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the said capital stock to two hundred and fifty thousand dollars; and as soon as fifty thousand dollars of said stock shall be subscribed and paid, in cash, it shall be lawful for said company to commence the business of insurance. Capital stock. When may begin business.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by such directors, not less than five, nor more than fifteen in number, a majority of whom shall form a quorum, and shall reside in this State, which directors shall hold their office for one year, and until others shall be chosen in their stead, at the office of said company, public notice of which election shall be given for one week in a newspaper printed and published in the county of Bergen; and at such election each share of stock shall entitle its owner to one vote, which may be given either in person or by proxy. Directors. Quorum. Shall be residents of this State. Terms of. Notice to be given.

4. *And be it enacted*, That the board of directors shall

Officers. have power to appoint a president, vice president, treasurer and secretary, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them such compensation for their services as may, in their judgment, be deemed reasonable; and

Secretary and treasurer may be same. the office of secretary and treasurer may be filled by the same person.

Commissioners. 5. *And be it enacted*, That Thomas W. Demarest, Cornelius Christie, Andrew D. Bogert, Alexander J. Sweet, Charles W. Valentine, Henry M. Willis, Peter R. Christie, are hereby appointed commissioners to receive subscriptions

When directors chosen. to the capital stock of said company; and as soon as two hundred and fifty shares are subscribed, the said commissioners, or a majority of them, shall, by public notice given for one week in a newspaper printed and published in the county of Bergen, call a meeting of the stockholders for the purpose of choosing the first board of directors.

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

May re-insure. transportation; also, to cause themselves to be re-insured when deemed expedient.

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

May hold real estate. 8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such, and so much real estate as shall be necessary for convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities, bona fide mortgages pledged to said company to secure the payment of any debt

which may be contracted with them; and also to proceed on said mortgages or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment towards satisfaction of any debt or obligation 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, and other property, from time to time, in public stocks, bonds, mortgages, and such other securities as the directors may approve. May invest capital.

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. Stock personal property.

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

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

Approved February 28, 1871.

CHAPTER XCI.

A Further Supplement to an act to incorporate the Mullica Hill and Woodbury Turnpike Company; the Glassboro' and Carpenter's Landing Turnpike Company; the Gloucester and Salem Turnpike Company; and the Gloucester Turnpike Company, in the counties of Gloucester and Salem.

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 Mullica Hill and Woodbury Turnpike Com-

New Jersey State Library

pany; the Glassboro' and Carpenter's Landing Turnpike Company, in the county of Gloucester; the Gloucester and Salem Turnpike Company, in the counties of Gloucester and Salem; and the Gloucester Turnpike Company, in the county of Gloucester, to demand and receive toll at the rates now allowed by law, from all persons passing to or from any mill to which they may resort for grinding of grain for their family's use.

May charge toll to persons going to mill.

Repealer.

2. *And be it enacted*, That that part of the eighth section of the Mullica Hill and Woodbury Turnpike Company, approved February twenty-eighth, one thousand eight hundred and forty-nine; and that part of the eighth section of the Glassboro' and Carpenter's Landing Turnpike Company, approved February fourth, one thousand eight hundred and fifty; and that part of the eighth section of the Gloucester and Salem Turnpike Company, approved March sixth, one thousand eight hundred and fifty-one; and that part of the fourteenth section of the Gloucester Turnpike Company, approved March fifth, one thousand eight hundred and fifty; that conflicts with this act, the same is hereby repealed.

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

Approved February 28, 1871.

CHAPTER XCII.

A Further Supplement to an act entitled "An act to authorize the Mayor and Common Council of the city of Newark to purchase the property of the Newark Aqueduct Company, and creating the Newark Aqueduct Board."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of laying additional pipes, and of extending the works now in progress for supplying the city of Newark with water, it shall be lawful for "The Newark Aqueduct Board" to issue bonds in the name and under the seal of the mayor and common council of the city of Newark, to be denominated on their face, "Newark City Water Bonds," in addition to those

May issue bonds.

How denominated.

now authorized by law, to an amount not exceeding five hundred thousand dollars; such bonds shall bear a rate of interest not exceeding seven per centum per annum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of the board, which may be sold at public or private sale for the best price they can obtain for the same, and upon such terms and conditions as the said board may determine; they shall be issued in the same manner and under the same rules and regulations, and with the same liability for the payment thereof on the part of the city of Newark, as are prescribed in the act to which this is a supplement, and the various supplements thereto. Amount of. Interest. When redeemable. How issued.

2. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, shall be held to be applicable to or in any wise to affect this act. Limitations not to apply.

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

Approved February 28, 1871.

CHAPTER XCIII.

A Further Supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of health of the city of Newark, in cases of emergency, or whenever it shall be declared by the health physician expedient or necessary for the preservation of the public health, to order and cause any place or places of business or of public or private resort, in any building or buildings in said city, in which said building or buildings there shall be any person or persons sick or infected with small May close infected buildings.

pox or any contagious or pestilential disease, to be protected, or partially or entirely closed, for so long a time, in such manner and upon such terms as to the board may seem best.

Penalty for obstructing.

2. *And be it enacted*, That any person or persons who shall resist or obstruct the execution of, or refuse or neglect to obey any order or direction of the board of health, made under and by virtue of the authority and provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail, not exceeding six months, or by fine, not exceeding two hundred dollars, or both at the discretion of the court.

May abate nuisance.

3. *And be it enacted*, That whenever any nuisance, or any matter or thing detrimental to the public health, shall exist in or upon any lot or lots, building or buildings, place or premises in said city, and the owner or owners, occupant or occupants thereof, their agent or agents, shall fail to cleanse, or abate, or remove the same within five days after notice in writing, requiring said cleansing, abatement or removal has been served upon them by the health inspector, or without notice in cases of emergency, or where the owner or owners, occupant or occupants, their agent or agents, cannot be ascertained or found, it shall be lawful for the board of health of said city forthwith to cleanse, or abate, or remove said nuisance, or matter or thing detrimental to the public health, and the costs and expenses of said cleansing, abatement or removal shall at once become a lien upon said lot or lots and the entire premises whereon said nuisance, or matter, or thing detrimental to the public health shall be found to exist; *provided*, a general description, in writing, of said lot or lots and premises, together with a statement of the nature of said nuisance or detrimental matter or thing, and said cleansing, abatement or removal, and the costs and expenses thereof, signed by the president of the board of health and said health inspector, be filed in the office of the treasurer of said city, and thereupon the same proceedings shall be had and taken respecting the advertisement and sale and redemption of said lot or lots and premises, and the collection of said costs and expenses; and the same provisions shall apply as now provided for the collection of unpaid taxes and assessments.

Expenses of to be a lien.

Proviso.

4. *And be it enacted*, That all fines received by any sheriff,

on conviction of any person or persons, under and by virtue of the second section of this act, shall be by him paid over to the treasurer of said city of Newark, to be applied to the relief of the poor in said city. Fines, how applied.

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

Approved February 28, 1871.

CHAPTER XCIV.

A Supplement to "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, in its application to District Number Ten, Westfield Centre, in the township of Westfield, in the county of Union, shall be amended as follows: that the words "two-thirds," wherever they occur in the thirty-ninth and eightieth sections in said act be stricken out and the word "majority" be substituted therefor in such place. "Majority" substituted for "two-thirds."

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

Approved February 28, 1871.

CHAPTER XCV.

An Act to incorporate "The Citizens Insurance Company," of the city and county of Camden, and State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter men-

tioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name and style of "The Citizens Insurance Company," and by that name shall be known in law, and have power to sue and be sued, to defend and be defended, in all courts, whether in law or equity, and by that name may also have purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature or kind soever, necessary for the purposes of this corporation; and grant, demise, alien and dispose of the same at pleasure, for the benefit of the said company; and may also have a common seal, and alter and renew the same at pleasure; and also create and establish such by-laws and regulations as shall seem necessary and expedient for the goverment of said corporation, and put the same in execution; *provided*, the same be not contrary to the laws of this State or of the United States.

Title.

Powers.

Proviso.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of the said corporation by each subscriber of the capital stock at the time of subscribing, an instalment of five per centum on the capital stock by him subscribed for, the remainder to be paid in such instalments, at such times and upon such notice as the board of directors of said corporation may determine; and the said company shall not commence the business of insurance hereby authorized until fifty thousand dollars of the capital herein authorized is actually paid into the treasury thereof.

Capital stock.

How paid in.

When may begin business.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by eight directors, elected for two years, a majority of whom shall be citizens of this State; *provided*, that at the first election the said directors shall be divided into two equal classes; the term of the first class to expire on the second Tuesday of April next ensuing, or as soon thereafter as others may be elected in their place; and the term of the second class to expire on the second Tuesday of April, in the following year, or as soon thereafter as others may be elected in their place, so that one-half may be chosen every year.

Directors.

Proviso.

May be classified

One-half chosen every year.

4. *And be it enacted*, That there shall be an annua election of four directors on the second Tuesday of April, in every year, to fill the vacancy of those whose term shal

Elections.

have expired, to be held at the office of the company, or such other place as a majority of the directors may designate, of which said election a public notice shall be given by the secretary in the newspapers published in the city of Camden, at least two weeks, or by a written notice served on each stockholder a like time previous to the time of holding the same; that such election shall be held under the direction of three stockholders appointed by the directors, shall be by ballot, by plurality of votes of the stockholders; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; that if any of the directors shall die or refuse to act for the space of three months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies for the unexpired term thereof; that in case it should happen an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold such election on any other day appointed by the board of directors; and that the office and records of the company shall be kept in the city of Camden, in the county of Camden, in this State; said directors are hereby authorized to establish such agencies in this State and elsewhere as may be deemed necessary and convenient.

Notice to be given.

Shall be by ballot.

Vacancies.

Shall not be dissolved.

Office, where kept.

May establish agencies.

5. *And be it enacted*, That Peter L. Voorhees, John Cooper, Benjamin F. Archer, William S. Scull, Albert W. Markley and John S. Lee, shall be commissioners to receive subscriptions to the capital stock of said company; and when the said stock shall be subscribed for and paid in, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement published at least two weeks previously in the newspapers published in the city of Camden, or by a written notice served on each stockholder the like time, stating the time and place at which such meeting of the stockholders shall be held, who shall, by ballot, elect the first directors of said company; said commisioners shall appoint three stockholders inspectors of said election, and should there be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancy or vacancies so occasioned.

Commissioners.

First directors, how chosen.

Vacancies.

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

tors on organizing the company and annually thereafter, to
President. choose one of their number to be president, to serve for the ensuing year, or until another shall be chosen; and in case of the death, resignation or inability to serve of the president, such vacancy may be filled by the board of directors for the remainder of the term; and in case of the absence of the president, the board of directors shall have power to
Pro tempore. appoint a president pro tempore, who shall exercise all such powers and duties as the president might exercise.

7. *And be it enacted*, That the board of directors for the time being shall have power to appoint, during their pleasure, a secretary and such other officers as they shall deem necessary for carrying on the business of the company, and allow them respectively such compensation for their services as may, in their judgment, be deemed reasonable.

Power to insure. 8. *And be it enacted*, That said company shall have power —first, to make insurance upon vessels, freights, goods, wares and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; second, to make insurance upon dwelling-houses, stores and all kinds of buildings, and upon household furniture, merchandise and other property, against loss or damage by fire upon such rates and conditions as shall be contained in the policy of insurance; third, to cause themselves to be insured when deemed expedient.

Contracts with or without seal. 9. *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 by the company for that purpose, and attested by the secretary; and being so subscribed and attested, shall be obligatory upon the company, according to the tenor, intent and meaning of this act, and of such policies or contracts.

May hold real estate. 10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also to take
May mortgage or sell. and hold any real estate or securities, bona fide mortgaged or pledged to said company to secure the payment of any debt which may be contracted with them; and also to proceed on said mortgage or other securities for the recovery of the moneys thereby secured, either at law or in equity, and

to purchase on sales made under such proceedings or otherwise, to take and receive any real estate in payment or towards satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of; and said company may invest their capital and accumulating premiums from time to time in public stocks, bonds and mortgages, and such other securities as the directors may approve; *provided*, nothing in this act contained shall authorize said company to use its funds for banking purposes. Proviso.

11. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors; and in case a subscriber or stockholder of any share or shares of said stock shall fail or refuse to pay any instalment on his or her stock when called in by the directors and required to be paid pursuant to the provisions of this act, it shall and may be lawful for the directors of said company, and they are hereby authorized to forfeit the shares of each and every person so failing to pay such instalments, or any of them, to and for the use of the company, or at their option to sue for and recover the instalment or instalments so remaining unpaid, of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in such instalments respectively. Stock, how transferable. Stock may be forfeited or instalments sued for.

12. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable among the stockholders, which dividends shall be paid to the parties entitled thereto. or to their legal representatives. Dividends.

13. *And be it enacted*, That this act shall continue in force during the pleasure of the corporators; but the Legislature may at any time modify, alter or repeal the same. In force for thirty years.

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

Approved February 28, 1871

CHAPTER XCVI.

An Act to incorporate the Hibernia Fire Company, of the town of Lambertville.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Hock, Thomas McNamara, John Hurley, Patrick Cooney, Martin Drudy, Patrick Reilley, Bartly Malloy, Patrick Rogan, James Lynch, John Purtell, Peter Reilley, John Dooley, John O. Loughlin, and their associates, members of the Hibernia Fire Company, of Lambertville, and their successors, be and they are hereby declared to be a body politic and corporate in law

Title.

by the name, style and title of "The Hibernia Fire Company of Lambertville;" and by such name, they shall have succession and be persons in law, capable of suing and being sued,

Powers.

pleading and being impleaded, in all the courts of jurisdiction, and may at all times hereafter be capable in law of holding and possessing any lands, tenements and hereditaments, and personal estate, purchased, devised or bequeathed, by any person or persons, bodies corporate or politic, and

Proviso.

also to have and use a common seal; *provided always*, that the said corporation or body politic shall not, at any time, hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Constitution and by-laws.

2. *And be it enacted*, That the said corporation shall have full power and authority to make, form and adopt such form of constitution, by-laws and regulations for their government, as they shall think proper, not inconsistent with the constitution and laws of this State, or of the United States.

May borrow money.

3. *And be it enacted*, That for the purposes of erecting a suitable engine house, and place of meeting, and to such other incidental expenses as shall to the said company appear best calculated, it shall be lawful for the said corporation to borrow money, and to issue scrip therefor, bearing lawful interest.

Approved February 28, 1871.

CHAPTER XCVII.

An Act to incorporate The Ironia Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Borie, Ario Pardee, George Richards, Daniel Budd, Jacob Vanatta, Edmund Canfield and Augustus C. Canfield, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Ironia Land and Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, selling and disposing of such real and personal estate in the county of Morris, as may be necessary or expedient for the objects of this act, said real estate not to exceed one thousand acres; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements, and bargains whatsoever, necessary or useful for the purposes aforesaid, and generally may do every other act or thing necessary to carry into effect the provisions of this act, and promote the objects and designs of said company, as authorized by this act. Corporators. Title. Where located. Powers.

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

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books of subscription to the capital stock of said corporation, at such times and places as they or a majority of them may think proper, giving notice thereof one week prior to the opening of said books, by publishing the same in one newspaper published in said county. Commissioners to open books of subscription. Shall give notice

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share sub- First instalment.

scribed for to the said commissioners, and when one thousand shares of the capital stock shall have been subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders to choose five directors, the election shall be held in this State 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 two of them, shall be inspectors of said election, and shall certify under their hands the names of the directors duly elected, and deliver over to them the subscription books and money paid in, 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 persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation, removal or inability to attend, of the president or any director such vacancy or vacancies may be filled for the remainder of the year, wherein they may occur, or for the time being, by the said board of directors or a majority of them.

First election.

Inspectors of election. Shall certify.

Meeting of directors.

Vacancies.

Shall not be dissolved.

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

Quorum.

6. *And be it enacted*, That three directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments not to exceed twenty-five dollars on each share at any one time, and in case of non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise.

Powers.

7. *And be it enacted*, That the said company be, and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase, by laying out the

same into lots, streets, squares, lanes, alleys and other divisions; of leveling, raising and grading the same, or making thereon all such workshops, factories, warehouses, stores, dwellings and such other buildings and improvements as may be found or deemed necessary, ornamental or convenient; and to construct on the lands of said company aqueducts or reservoirs for carrying, collecting and providing water, and to let, rent, lease, mortgage, sell or change the same, or use any lot or other portion of any of the said lands for depots, and for agricultural, mining or manufacturing purposes.

Books to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of said company, which books shall at all times be open to the inspection of the stockholders of the said company.

Open to stockholders.

Transfers to be entered and registered.

9. *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.

May subscribe for stock, &c.

10. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad, turnpike or other highway that now is or hereafter may be incorporated or established by the Legislature of this State, which shall lead to or pass through any lands that may be owned by the said company; and also that said company may subscribe for or take stock in any manufacturing, mining or other company that now is or hereafter may be incorporated or established by the laws of this State.

May issue bonds.

Mortgage lands

11. *And be it enacted*, That the said company shall have the power, and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estate, and all the appurtenances, franchises, powers, privileges and rights thereto belonging, which they may possess under their act of incorporation, to such amount as they may deem expedient, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this State, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and equity, and the purchaser or purchasers under a decree in equity or foreclosure founded on any such land or mortgage, shall be invested

with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by the said company, under or by virtue of their act of incorporation, subject, nevertheless, to all the restrictions, conditions and limitations therein contained.

Public act.

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

Approved February 28, 1871.

CHAPTER XCVIII.

An act to authorize the trustees of Farmingdale School District, number four, in the township of Howell, Monmouth county, to borrow money and issue bonds to liquidate debt incurred in building a school house in said district.

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Farmingdale school district, number four, in the county of Monmouth, and State of New Jersey, be and they are hereby authorized to borrow any sum of money, not exceeding four thousand dollars in all, that they may find necessary for the purpose of liquidating the debt incurred in erecting a school house within said school district.

May issue bonds.

2. *And be it enacted*, That for the purpose of securing the re-payment of said loan, the said trustees may issue coupon bonds in their corporate name, to the lenders of said moneys, of such denominations as the said trustees shall deem proper, but not exceeding one thousand dollars each, and which shall bear interest at the rate of seven per centum per annum, payable yearly; and the sum of one thousand dollars of the principal of said bonds shall be made payable in each and every year after the date or issue thereof; and the said bonds may be sold or disposed of by said trustees, at not less than their par value.

How sold and payable.

3. *And be it enacted*, That to provide for the said yearly payment of one thousand dollars of principal of said bonds,

and all interest accruing upon the same, the trustees of the said school district shall, on or before the twentieth day of May, in each and every year hereafter, certify under their hands to the assessor of taxes for the said township of Howell, the amount which will be necessary to pay the interest money due on the bonds issued under this act, as also the amount of the principal due during the ensuing year; which sum the said assessor is hereby authorized and required, when making his yearly assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner as other township taxes are or shall be assessed; which special tax shall be, by the officer now or hereafter provided by law for the collection of other taxes for said township, collected at the same time and in the same manner as other township taxes are or shall be collected, and shall be by him separately accounted for, and paid over by him immediately to the trustees of said district.

Trustees, duty of.

Assessor, duty of.

Tax. How collected.

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

Approved February 28, 1871.

CHAPTER CII.

An Act to set off from the township, of Deptford, in the county of Gloucester, a new township to be called the township of West Deptford.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Deptford, in the county of Gloucester, lying within the following boundaries, to wit: beginning at the Camden county line, in the middle of Timber creek, and in the centre of the bridge of the Gloucester Turnpike Company, and thence running in a southerly direction along the centre of the road of said Gloucester Turnpike Company

Boundaries.

until it intersects the line of the boundary of the city of Woodbury, thence following the western and southern boundary of said city of Woodbury to where the same intersects the centre of the road of the Woodbury and Mullica Hill Turnpike Company, thence in a southerly direction along the centre of said road to the centre of the bridge in said turnpike, where in the middle of Mantua creek it intersects the line of Mantua township, in said county of Gloucester, thence in a westerly direction, following the heretofore established lines of said township of Deptford, down the middle of said Mantua creek, the several courses thereof to the Delaware river, thence at right angles with the shore, in a straight line, until it intersects the boundary line between the State of New Jersey and the State of Pennsylvania, thence following said boundary line up the Delaware river, the several courses thereof, to a point opposite the mouth of Timber creek aforesaid, thence in an easterly direction to the mouth of said Timber creek, thence up the middle of said Timber creek, the several courses thereof, until it intersects the middle line of the Gloucester Turnpike Company's bridge, which was the place of beginning; shall be, and hereby is set off from the township of Deptford, in the county of Gloucester, and made a separate township, to be known by the name of the township of West Deptford.

Title of township.

2. *And be it enacted*, That the inhabitants of the township of West Deptford, shall be, and they are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the Township of West Deptford, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities, that the inhabitants of the township of Deptford, first aforesaid, are now entitled, or subject to by the existing laws of this State.

Corporate name.

Town meeting.

3. *And be it enacted*, That the inhabitants of the township of West Deptford aforesaid, shall hold their first annual town meeting at the Thoroughfare school house, in said township, on the third Tuesday in March, anno domini one thousand eight hundred and seventy-one, at ten o'clock in the forenoon, and annually thereafter on the first Tuesday in March, at such place as they may determine.

4. *And be it enacted*, That a committee consisting of three members of the township committee of the township of West Deptford, and three members of the township com-

mittee of the township of Deptford, and three members of council of the councils of the city of Woodbury (said city of Woodbury having been recently formed out of what was formerly a portion of the township of Deptford,) shall meet at the court house in said city of Woodbury, on the first Monday in April next, at ten o'clock in the forenoon, and shall then and there, or as soon thereafter as may be, proceed to allot and divide, between the said townships and the said city, the assets, liabilities, and real estate of the old township of Deptford, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, and to ascertain the just proportion of debts to be paid by the inhabitants of each of said townships and of said city, and that if any of the commissioners on the part of either of said townships, or of the said city, shall neglect or refuse to meet as aforesaid, those assembled may proceed to make said division, and to ascertain the said proportions of debt, and the decision of the majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the said meeting to such time and place, as a majority of those assembled as aforesaid, may think proper.

Committee to allot and divide assets and liabilities.

In case of failure to meet.

Proviso.

5. *And be it enacted*, That the electors of the township of West Deptford, shall have full power and authority to elect at the first election for officers, three judicious persons residents within said township, who shall be denominated the township committee, a majority of whom shall be a quorum, one shall be elected for three years, one for two years, and one for one year, to be determined by lot, and thereafter at each annual election one shall be elected for three years, so that at all times there shall be in office three members of the township committee, to continue in office until others are chosen in their stead.

Township committee.

Term of.

6. *And be it enacted*, That in addition to powers conferred heretofore upon the committee of said township, they shall have power to consult with the overseer or overseers of highways relating to the construction and repair of roads, and to determine when and where such construction shall be made; and it shall not be lawful for the overseer or overseers to proceed with any work without authority from said committee.

Reprir of roads.

7. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners

Offices not to be vacated.

for taking the acknowledgments and proof of deeds until they shall expire by their own limitation; or so as to impair the rights of the said township of West Deptford in and to its just and legal proportion of the surplus revenue of the general government, and the interest due or becoming due thereon.

In first assembly district.

8. *And be it enacted*, That the said township of West Deptford shall form a part of the first assembly district, of the county of Gloucester.

Repealer.

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

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

Approved March 1, 1871.

CHAPTER CIII.

A Supplement to an act "To incorporate the city of Salem."

Divided into two wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Salem, for the purpose of voting at all charter and general elections, shall be divided into two wards, in the manner following, viz: all that part of said city lying east and southeast of a certain line beginning at the city line in the middle of Market street, at the bridge at the foot of said street, and following the line of the middle of said street to the middle of Broadway, thence down the middle of Broadway to the middle of Oak street, thence by the middle of Oak street by its various courses to the city line, shall be the east ward of said city; and all that part of said city lying northwest of the above described lines, shall be the west ward of said city.

East ward.

West ward.

Ward officers.

2. *And be it enacted*, That the ward officers shall be for each ward: four common councilmen; one assessor, who shall be one of the judges of the election; one chosen freeholder; four trustees of public schools; one overseer of the poor; three commissioners of appeal in cases of taxation, two surveyors of the highways; one or more pound keepers; one

constable; one clerk, who shall be clerk of the election; two justices of the peace, and one judge of the election; the aforesaid commissioners of appeal shall meet as provided in the act to which this is a supplement, to hear and determine all cases of appeal.

Present officers to fill out terms.

3. *And be it enacted*, That the present common councilmen shall hold their offices for the terms for which they were respectively elected, and that at the charter election of said city, next after the passage of this act, there shall be elected two members of the common council in the west ward of said city, one to serve one year, and one to serve two years.

School trustees.

4. *And be it enacted*, That the present trustees of public schools shall hold their offices for the terms for which they were respectively elected, and that at the charter election of said city, next after the passage of this act, there shall be elected in the west ward of said city, two trustees of the public schools, to serve one year: and annually thereafter there shall be two trustees of the public schools, and two common councilmen of said city, elected in each ward, who shall hold their offices for two years, and all the other officers herein provided for, shall hold their officers for the same time, and be vested with the same powers, and subject to the same conditions, as are now provided for the like officers in the act to which this is a supplement.

Other officers.

Inspector of weights and measures.

5. *And be it enacted*, That it shall be lawful for the electors of said city, at their annual city election, to select one inspector of weights and measures, who shall hold his office for one year, and be entitled to the same fees, as the county sealer of weights and measures.

Owners may be required to pave, &c.

6. *And be it enacted*, That the common council of said city shall have full power to require by ordinance, all owners and occupants of lots in the said city, to curb, fill up and pave the sidewalks in front thereof.

Taxes from persons about removing.

7. *And be it enacted*, That the collector of said city shall have full power to collect taxes from any person or persons about removing from the city, upon receipt of a statement from the ward assessor, of the amount of tax due from said person or persons so about removing.

Fees to be paid.

8. *And be it enacted*, That after the passage of this act, all applicants for the appointment of commissioners to lay out streets or public roads in said city, shall be required to

pay, on the presentation of their petition, all the expenses of advertising, surveying, and of the said commissioners.

Repealer. 9. *And be it enacted*, That the acts creating the officers of city solicitor and city marshal, be and the same are hereby repealed.

Repealer. 10. *And be it enacted*, That all acts and parts of acts, not consistent with this act, be and the same are hereby repealed.

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

Approved March 1, 1871.

CHAPTER CIV.

An Act to incorporate the Horicon Mills Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Schultze, Howard Potter, Cyrenius C. Bristol, Hiram B. Willits, William R. Schultze and Augustus McCormick, and the survivors of them, and all such persons as may hereafter be associated with them, or the survivors of them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Horicon Mills Company," for the purpose of manufacturing all manner of machinery, goods and materials out of iron, wood, cotton, silk, woolen or other fibrous materials, and buying and selling the same, and of carrying on the business incident thereto, in such place or places in the county of Ocean, as the directors may deem proper; and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall be capable of contracting and being contracted with, suing, pleading, defending and answering unto, in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts necessary for the proper management of the funds and property of the company, and carrying on the business for which the said corporation is created.

Title.

Objects.

Powers.

2. *And be it enacted*, That the said corporation may pur-

chase, use, hold, possess and enjoy such real estate in the county of Ocean as may be required for the purposes of said corporation, and all other real estate which shall have been mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business,or purchased at sales upon judgments or decrees, which shall have been obtained for or upon such debts, and may sell, mortgage, lease or otherwise dispose of the same at pleasure; and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution of the United States or of this State; and all stockholders shall, in all questions submitted to them, and in all elections for directors, be entitled to one vote for every share he or she holds in the stock of said corporation, which vote may be cast in person or by lawful proxy; and all matters before said stockholders shall be decided by a majority of the votes so cast.

May hold lands.

Proviso.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, and that the same may be increased from time to time by the order of the board of directors, to a sum not exceeding five hundred thousand dollars; that the said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property.

Capital stock.

4. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to said capital stock, at such times and places in the county of Ocean as they or a majority of them shall appoint; and when five hundred shares of said capital stock shall be subscribed for to said commissioners, they shall call a meeting of the subscribers to said stock to elect a board of directors, consisting of not less than three and not more than five persons, one of whom shall be president; and when said corporation is organized, said commissioners shall deliver to the president of the company all moneys, books and papers in their hands as such commissioners.

Commissioners to receive subscriptions to capital stock.

Directors.

5. *And be it enacted*, That the business of the company shall be managed by said board of directors, or a majority of them, and they may also appoint such subordinate officers, superintendents and agents as they may deem necessary; that said directors and their president shall hold their offices for one year, and until others are elected in their stead; and

Powers of directors.

Term of office.

that elections for directors shall be held at such time and place, and upon such notice as the by-laws of the company shall provide; the said board of directors, or a majority of them, shall have power to call in all instalments on stock subscribed for, in such amounts and at such times as they may direct, giving to each subscriber twenty days' notice thereof, either personally or by publication in one or more newspapers published in Ocean county; and also to forfeit to said company all the shares upon which default in paying instalments shall arise, and all previous payments made thereon.

May call in instalments.

Stock may be forfeited.

May issue bonds and mortgage property.

6. *And be it enacted*, That the said company shall have power to issue stock in payment or in exchange for any materials, goods, wares and merchandise, or for any lands or estate therein required, to be used for and in the conducting of the business of the said company; and to issue bonds, secured by mortgage on the real and personal estate and franchises of said corporation, for the purpose, if necessary, of being used in the further purchasing of lands, water powers and machinery, and in erecting buildings; and it shall not be lawful for said company to plead any statute against usury in any suit brought to enforce payment of any or all said bonds; and the capital stock of said company shall be transferable in such manner as said by-laws shall direct; and no transfer shall be valid until the same is duly entered on the books of said company, and no dividends shall be declared except out of the net profits of the company.

Corporation shall not be dissolved.

7. *And be it enacted*, That in case it should at any time happen that an election for directors should not be made upon 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 it shall be lawful to hold such election on such other day or days as the board of directors shall direct, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

May be dissolved

8. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders, summoned especially by the board of directors, or a majority of them, for that purpose, upon twenty days' notice in writing to each stockholder; *provided*, that at least three-fourths in value of the stockholders shall be present, or represented therein: and upon such dissolution, the directors

Proviso.

for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company, and paying its debts and dividing the surplus among the stockholders, according to their respective interests therein.

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

Approved March 1, 1871.

CHAPTER CV.

An Act to incorporate the Trenton Fire Brick and Terra-Cotta Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Oliver O. Bowman, John Leuckel, Charles Carr, La Fayette Leutz and Robert Klotz, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Trenton Fire Brick and Terra-Cotta Manufacturing Company," for the purpose of manufacturing and selling terra-cotta ware, fire bricks, and carrying on business incident thereto; and for such purpose the said company shall or may raise by subscription by opening the books therefor, or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to any sum not exceeding two hundred thousand dollars, and it shall be lawful for said company to issue certificates of stock, providing such stock shall be paid up in cash, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

Corporators. Title. Objects. Capital stock.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue

May hold real estate.

bonds therefor, to an amount not exceeding at any one time, one-half of their paid up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States, or of this State.

Proviso.

Directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place, as the by-laws of the said corporation shall direct; and until such annual election shall take place, Oliver O. Bowman, John Leuckel, Charles Carr, La Fayette Leutz and Robert Klotz, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions when assembled at such place as the by-laws of the said corporation shall direct, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes, and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being or a majority of them, shall have power to fill such vacancies by the appointment of any stockholder.

Term of office.

When elected.

First directors.

Quorum.

Vacancies.

Failure to elect shall not dissolve.

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

Annual statement.

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

assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

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

Books of account and transfer.

May be dissolved

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

Proviso.

General act extend to.

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

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

Approved March 7, 1871.

CHAPTER CVI.

A Supplement to the act entitled "An act to facilitate the collection of taxes, in the township of Washington, in the county of Burlington."

Act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of said act be and are hereby extended to the township of Cinnaminson, in the said county of Burlington.

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

Approved March 7, 1871.

CHAPTER CVII.

An Act for the better protection of the Fisheries in Maurice river, and in Oronoken, Dividing and Antuxent creeks, Cumberland county.

Non-residents not to take fish.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons not residents of the State of New Jersey to take, or cause to be taken, fish of any kind or description from the waters of Maurice river, or from the waters of Oronoken creek, Dividing creek or Antuxent creek, in said county, or from their shores, flats, or tributaries, by means of nets, seines, hooks, or any other tackle whatsoever; and any person so offending shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered by action of debt, with costs, by any person who may prosecute for the same, in any court having cognizance thereof, one-half of said fine to go to the prosecutor, and one-half to be paid to the county collector for the use of Cumberland county.

Penalty. How recovered. How applied.

2. *And be it enacted*, That it shall be the duty of all justices of the peace in said county, upon complaints made under oath, to issue a warrant or warrants for the arrest of any persons guilty of violating the first section of this bill, and it shall be the duty of all sheriffs and constables, and may be lawful for any other person or persons, upon any such warrant or warrants, to seize and secure any canoe, flat, scow, boat, or other vessel, being used by any person or persons in violating the first section of this act, together with the seines, nets, hooks, or other tackle being used for such purpose, and immediately thereupon give information thereof to two justices of the peace of the county where such seizure shall have been made, who are hereby empowered and required to meet at such time and place as they shall appoint not less than five days nor more than ten days from the time of the seizure for the trial thereof, and hear and determine the same; and in case the property seized shall be condemned, it shall be sold by the order and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of the said sale to the collector of the said county of Cumberland, and the other half to the person or persons who shall have seized and prosecuted the same. Duty and power of officers of the peace. Trial, how and when.

3. *And be it enacted*, That all acts, or parts of acts, in conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 7, 1871.

CHAPTER CVIII.

An Act to incorporate the Provident Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry A. Sage, Samuel Drake, Henry Green, John Protz, William Mutchler, John S. Lehn, Edward H. Green, William Hackett, Lawrence H. Lormare, Henry S. Carey, William W. Schuyler, and their associates, Corporators.

shall be and they are hereby declared to be a body corporate and politic in fact and in law, by the name of the "Provident Manufacturing Company," for the purpose of manufacturing, forging, vending, selling and dealing in axles, bolts, nuts, wood screws, spikes, snaps, bits, &c., and for this purpose may hold such real estate, water privileges, machinery and effects as may be necessary and useful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same.

Title. Objects.

Privileges.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, one-half thereof shall be paid in in cash before commencing business, and shall be divided into shares of fifty dollars each, and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place in the county of Warren, as a majority of them may appoint, giving at least two weeks' notice in one of the newspapers published in said county, and as soon as the whole of said stock is subscribed, the said commissioners shall by a like notice call the first meeting of the stockholders for the purpose of organizing said company.

Commissioners to receive subscriptions and call first meeting

Directors.

3. *And be it enacted*, That the business of the said corporation shall be managed by not less than three nor more than seven directors, all of whom shall be stockholders, and a majority of whom shall reside in this State, and one of whom shall be president, who shall hold their offices for one year, and until others are elected in their stead, and every year thereafter, at such time and place and upon such notice as the by-laws may appoint, an election for directors of said company shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own, and in case any vacancy shall occur in the board of directors, by death, resignation or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Term of office.

Vacancies.

How filled.

Powers.

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

to time call for and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of the forfeiture of the shares, and all previous payments thereon to the said company, if such payment shall not be made within thirty days after the day fixed for that purpose, by notice previously served, designating the proportion of such payment per share, and the time and place, when and where, and the officer to whom the same shall be required to be paid.

Stock personal property.

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

Capital may be increased.

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

Books of account.

7. *And be it enacted*, That regular books of account shall be kept in the office of the said company, in the said county of Warren, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection.

May be dissolved

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

Proviso.

General act extended to.

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

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

Approved March 7, 1871.

CHAPTER CIX.

An act to authorize the trustees of the association known as "The Franklin Associates," to receive the amount paid by the Newark and New York Railroad Company for the land and building formerly owned and occupied by said association, and to invest the said amount exclusively for the purposes of education.

Preamble.

WHEREAS, a lot of land in Fair street, in the city of Newark, and a school house thereon, known as the Fair street school house, have lately been taken by the Newark and New York Railroad Company for the uses and purposes of their said road, in pursuance of their act of incorporation, and the amount of the value of said land and school house has been deposited in the Dime Savings Institution, of the city of Newark, for the use and benefit of the owners of said land and school house; AND WHEREAS, at the time of the taking of the said land and school house by said railroad company, the same were in the possession and ownership of trustees under the name of "The Franklin Associates," and used by them as a school house and for educational purposes; AND WHEREAS, the donors and subscribers to the funds for the purchase of said land and erection of said school house, have long since departed this life, and it is desirable that the benevolent and charitable purposes and objects for which the said land was originally given, and the school house erected, may be continued; now, therefore,

Moneys to be paid over.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Dime Savings Institution aforesaid, or any other custodian or possessor of the amount, or any part thereof, paid by the Newark and New York Railroad Company for the said land and school house, are hereby authorized and required to pay to the treasurer of the trustees or association known as "The Franklin Associates," any and all such moneys in their possession.

2. *And be it enacted*, That the said trustees are hereby required to safely and securely invest the principal of the money received by them as aforesaid, and to keep the same invested upon bonds secured by mortgages upon unincumbered land, in the city of Newark, the value of which, exclusive of any buildings thereon, shall not be less than double the amount loaned thereon, and the said trustees shall use and apply the interest of such bonds and mortgages exclusively for the purposes of education. Money, how to be invested.

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

Approved March 7, 1871.

CHAPTER CX.

A Further Supplement to the act approved March the ninth, one thousand eight hundred and forty-eight, and entitled "An act to incorporate the Sussex Mine Railroad Company."

WHEREAS, by an act approved February the fifth, one thousand eight hundred and fifty-three, the corporate name of the said Sussex Mine Railroad Company was changed to "The Sussex Railroad Company." and it is important to the county of Sussex that said company have authority to connect their road with that of the Morris and Essex Railroad Company at or near Stanhope, so as to expedite their eastward bound trains; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Sussex Railroad Company be and the same is hereby authorized to construct a branch railroad, commencing at any point in the line of their existing railroad south of Newton, and to run thence, by such route as the said company may deem best, to any point in the line of the Morris and Essex Railroad, at or near Stanhope, so as to connect with the latter railroad at such point as the said company may consider most advantageous to the public good; and for the purpose of con- May build branch to Morris and Essex Railroad.

structing the said branch railroad the said Sussex Railroad Company shall be and hereby is invested with all the rights, powers, privileges, authority and franchises, given and granted to them by their original act of incorporation, and the several supplements thereto, and subjected to all the duties, restrictions and limitations contained therein.

Previous powers and privileges extended to.

Public act.

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

Approved March 7, 1871.

CHAPTER CXI.

An Act to set off from the township of New Barbadoes, in the county of Bergen, a new township to be called the Township of Midland.

New township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of New Barbadoes, in the county of Bergen, which lies west and north of the brook, known as Cole's mill brook, running from the point where it intersects the Lodi township line, on the Paterson turnpike, northwardly and eastwardly till it empties into the Hackensack river, shall be, and the same is hereby set off into a separate township, to be called and known by the name of the township of Midland, in the county of Bergen.

Title of.

Corporate name.

Powers and liabilities.

2. *And be it enacted*, That the inhabitants of the said township of Midland shall be, and they are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the township of Midland, in the county of Bergen," and shall be vested with and entitled to all the rights, power, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities as the inhabitants of the other townships in the said county of Bergen.

First town meeting.

3. *And be it enacted*, That the inhabitants of the township of Midland shall hold their first annual meeting at the Spring Valley chapel, in said township of Midland, on the

day appointed by law for holding the annual town meetings in the other townships in the county of Bergen, and at the hour of eight o'clock in the forenoon they shall, viva voce, choose, by plurality of votes, one fit person to preside at and superintend said meeting, and also a clerk; which officers so chosen shall perform the duties now required by law of such officers; and afterwards the town meetings shall be held at such place as the said inhabitants shall determine, in the manner prescribed by law, and shall vote for their township officers, and all appropriations of money by ballot as heretofore, when constituting a part of the township of New Barbadoes.

Officers to be chosen.

4. *And be it enacted*, That the town committees of the townships of New Barbadoes and Midland, shall meet on the first Monday after the next annual town meeting in said townships at said Spring Valley chapel, at ten o'clock in the forenoon of said day, and shall then and there proceed, by writing signed by a majority of the township committee present, to allot and divide between the said townships of New Barbadoes and Midland, all the property and moneys on hand or due, in proportion to the taxable property and ratables as valued and assessed by the assessor of the township of New Barbadoes, at the last annual assessment; and the inhabitants of the township of Midland shall be liable to pay their just proportion, in like manner, of the debts if any there be; and if any of the town committee shall neglect or refuse to attend the meeting as aforesaid, those present may proceed to make such division, and shall have full power to adjourn from time to time, and to such place as they think proper; and their decision or the decision of a majority of them shall be final and conclusive.

Town committees to meet and divide property and apportion liabilities.

Decision of majority to be binding.

5. *And be it enacted*, That all paupers who may be chargeable to said township of New Barbadoes at the time this act takes effect, shall thereafter be chargeable to and supported by that township, within the bounds of which they have respectively acquired their legal settlements.

Paupers, how charged.

6. *And be it enacted*, That this act shall take effect on the first Monday in April, in the year eighteen hundred and seventy-one.

Takes effect, when.

Approved March 7, 1871.

CHAPTER CXII.

An Act to incorporate the State Council of the Order of United American Mechanics, of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the State Council of the order of United American Mechanics of the State of New Jersey, and such other persons as may hereafter become members thereof, are hereby created a body politic and corporate in deed and in law, by the name, style and title of the "State Council of the Order of United American Mechanics, of the State of New Jersey," to be composed of a board of incorporation as follows: a state councillor, state vice councillor, state council secretary, state council treasurer, and state council inductor, who shall be elected annually in such time and place and in such manner as the constitution and by-laws provide.

Corporate title.

Board, how composed and elected.

Powers.

2. *And be it enacted*, That the said corporation by that name shall have and enjoy perpetual succession, be able to sue and be sued, plead and be impleaded in all courts of law or elsewhere in this State, and shall be able and capable in law and in equity to take, purchase, hold, and receive to them and their successors, for the use of said association, any lands, tenements, goods, chattels, sum or sums of money by grant, gift, bargain and sale, will, devise or bequeath, from any person or persons whatsoever, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use of the association, and in general to do all things which may be lawful or necessary for the well-being and proper management of the said corporation; *provided*, that the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear annual value of twenty thousand dollars.

Proviso.

May charter suberdinate councils.

3. *And be it enacted*, That the said corporation shall have power to grant charters to subordinate councils of the order of United American Mechanics in the State of New Jersey, according to the regulations, by-laws, rules and constitution adopted to govern the same, or may be necessary

for their government and the promotion of the principles of the said association; *provided*, that no by-laws, rule or regulation as aforesaid, shall be valid if inconsistent with the constitution and laws of this State or of the United States of America. Proviso.

4. *And be it enacted*, That the present officers of the said corporation constituting the corporative board, shall continue in their respective stations, until an election shall be held under this act; and the constitution and by-laws now in force shall be good and valid until altered, amended or abrogated by the said corporation. Officers.

5. *And be it enacted*, That the said State Council of the order of United American Mechanics, as incorporated, shall have power to make and use a common and corporate seal, and to alter, destroy and renew the same at pleasure, and to elect and appoint such officers of said association as said corporation may think necessary, and they shall be elected at such time and place, and in such manner as the rules and by-laws of said corporation may direct. Seal. May appoint and elect officers.

6. *And be it enacted*, That the objects of this association shall be to maintain and promote the interest of the American Mechanics, to assist them in obtaining employment, to encourage them in business, to afford relief to the members thereof and their families in case of sickness, to defray the expense of their funerals, or such other cases of distress as shall be defined by the by-laws. Objects.

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

Approved March 7, 1871.

CHAPTER CXIII.

An Act to authorize the Township Committee of the township of Hackensack, in the county of Bergen, to sell and convey the Poor House Farm owned by said township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the persons qualified to vote at town meetings in said township shall, at any

Farm may be sold and conveyed, how.

regular or special town meeting, have decided that said farm shall be sold, the township committee of said township shall have power to sell and convey said farm by deed in the name of "The Inhabitants of the Township of Hackensack, in the county of Bergen," to the purchaser at such price and upon such terms as said committee and the purchaser shall agree upon; *provided, however*, that at least thirty days' previous notice by advertisements set up by the town clerk in five of the most public places in said township shall be given that the question of selling said farm will be voted upon at said meeting.

Proviso.

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

Approved March 7, 1871.

CHAPTER CXIV.

An Act to regulate the Fire Department in the town of Newton.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Newton Fire Department," approved March first, one thousand eight hundred and fifty, be and the same is hereby repealed, and that the town of Newton shall own the property of the Newton fire department, and have full control and power over the same.

Property to belong to the town.

Money, how raised.

2. *And be it enacted*, That the legal voters of the said town of Newton, at their annual town meetings shall determine by plurality vote, what amount of money, if any, shall be raised by assessment for the use of the fire department during the ensuing year; and that the sum so voted shall be assessed, levied and collected in the same manner that other town taxes or moneys are assessed and collected.

How applied.

3. *And be it enacted*, That the moneys so raised, from time to time, shall be held by the town collector upon the like liability of other town moneys, and shall be paid by him upon the order of the town committee, or a major part of them.

Town committee, powers and duties of.

4. *And be it enacted*, That the town committee of the said town of Newton, or a major part of them, shall have the management of the fire department in said town, shall make such purchases and disposition of engines, hose and property necessary for the fire department, and buildings, for keeping the same as they deem proper, and shall have the charge and keeping in repair of the said property, and power to appoint and employ a suitable person as chief engineer for that purpose, who shall have the control and direction of the engines, hose and other apparatus, at fires or otherwise, be allowed such compensation as the said committee, or a major part thereof may determine upon, and may be removed whenever the said committee or a major part thereof shall so decide.

Companies may be raised.

5. *And be it enacted*, That the said town committee, or a major part of them, shall have power to raise and organize within the limits of the said town, one company of firemen not exceeding thirty men, for each and every fire engine that is or may be within its limits; and such firemen shall be exempt from jury duty so long as they shall belong to such company.

Jury duty, members exempt from.

Penalty for injuring apparatus

6. *And be it enacted*, That any person who shall designedly cut, deface, mutilate or damage any engine, carriage, hose or apparatus belonging to the said fire department, with intent to injure the same; or shall designedly create, or knowingly continue any false alarm of fire within the limits of said town of Newton shall, on due proof thereof before any justice of the peace of the county of Sussex, be punished by fine, in any sum not exceeding thirty dollars, or by imprisonment in the county jail not exceeding ten days; and that all fines imposed under this section shall go, one-half to the informant, and the other half to the said town of Newton.

Public act.

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

Approved March 7, 1871.

CHAPTER CXV.

An act to incorporate the Clarksville Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Gardner, Johnson D. Banghart, George W. Rowland, Alexander Craig, Marcus D. Wells, Stephen H. Brown, Edward Humphrey, John Gardner, Abraham S. Banghart, Peter Martenis, William H. Bishop, Martin V. Lunger, Dennis Sullivan, Lewis Young, William Gardner, Martin O'Brien, Samuel Rinehart, John Eveland, David H. Banghart and Augustus E. Sanderson, and such other persons as may hereafter become associated with them, shall be, and are hereby created a body politic and corporate, in fact and in law, by the style

Title.

and title of "The Clarksville Manufacturing Company," for

Purposes.

the purpose of manufacturing, selling and dealing in all kinds of timber, lumber, building materials, furniture, iron castings, brass, hardware, and other metallic substances, and the business incident thereto, and for such purpose, the said company shall or may raise by subscription, by opening

Capital stock.

books therefor or otherwise, a capital stock of fifty thousand dollars, to be divided into shares of ten dollars each, with

May be increased.

the privilege of increasing the same, from time to time, with a consent of the majority of the stockholders, to any amount not exceeding one hundred thousand dollars, and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property, purchased or leased by said company, for the purposes of said business.

May hold real estate.

2. *And be it enacted*, That said corporation may purchase, use, possess, hold and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same

Borrow money.

at pleasure, and may borrow money and issue bonds therefor, not to exceed at any time one half of their paid-up capital, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and may alter the

same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the laws of the United States, or of this State. Proviso.

3. *And be it enacted*, That the affairs and business of the corporation shall be controlled and managed by nine directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places, said directors to be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place, upon such notice as the by-laws of said corporation shall prescribe, and until such election shall be held, the corporators mentioned in this act shall choose from among their number, who may be stockholders, the names of nine persons, either by voting in person or by proxy, who shall be the first directors of said association, and shall act until the annual election shall take place aforesaid; a majority of said directors shall, at all times, and upon all occasions when assembled, at such time and place as the by-laws shall direct, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Directors. Term of office. First directors. Vacancies, how filled.

4. *And be it enacted*, That the officers of said corporation shall consist of a president, to be elected as in the third section of this act provided for, a treasurer, secretary and superintendent, to be elected as provided for by the by-laws, and whose duties shall be therein defined, and such other officers as said by-laws may provide. Officers.

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

6. *And be it enacted*, That each stockholder shall have as many votes as he or she shall have shares of stock, for the Stock, how voted.

election of officers at any annual meeting, and may vote by proxy or in person.

Statement of affairs.

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

When may organize.

8. *And be it enacted*, That the said corporation may organize and commence the transaction of business under this act whenever five thousand dollars of capital shall have been actually subscribed and paid in.

Principal office.

9. *And be it enacted* That the principal office of the said corporation, and its manufactory, buildings and real estate shall be at the town of Clarksville, in the county of Hunterdon, and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

Books of account and transfer.

May be dissolved

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

Proviso.

General act extended to.

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

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

Approved March 7, 1871.

CHAPTER CXVI.

An Act to incorporate the "Clear Creek Mining Company."

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Newell, Woodward Warrick, William C. Stevenson, Thomas V. F. Rusling, Charles M. Morris and William A. Brown, and their associates, be and they are hereby created a body politic, by the name, style and title of the "Clear Creek Mining Company," and by that name shall have perpetual succession, and shall be capable to sue and be sued, implead and be impleaded, and of receiving and granting in its corporate name, property real, personal and mixed, and of holding and improving lands in Colorado Territory, and to work and develop the same, to lease and dispose of privileges thereon, and to erect the necessary buildings and works, and to dispose of the products as they deem proper, and that the capital stock of the company shall not exceed five hundred thousand dollars. Corporators. Title. Powers. Capital stock.

2. *And be it enacted*, That the said company, at any meeting of stockholders thereof, shall have power to enact by-laws not inconsistent with the constitution and laws of the United States, or of this commonwealth, and to divide the capital stock into shares of such amount as they may deem expedient, and to issue certificates of stock and bonds, secured by mortgage or otherwise, as the exigencies of the company shall require, and to regulate all other matters appertaining to the business of the company. By-laws. Certificates of stock and bonds.

2. *And be it enacted*, That the corporators named in this act shall be directors of the company, with power to receive subscriptions to the capital stock, and to do all matters requisite for the full organization of the Clear Creek Mining Company, and shall hold office until their successors shall be chosen in accordance with the by-laws to be adopted. Directors. Term of office of.

4. *And be it enacted*. That in all elections, and on all questions, in meetings of stockholders, each share of stock shall be entitled to one vote, either by the owner in person, or by proxy duly executed, and the stockholders present Stock, how voted.

Quorum. personally or by representation, shall be a quorum competent to the transaction of business, and that it shall be lawful for said company to have the necessary offices for their business, and to hold their meetings in any place in the United States that they may deem expedient.

Meetings, where held.

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

Approved March 7, 1871.

CHAPTER CXVIII.

An Act to incorporate the Sandford Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Sandford, Samuel A. McGregor, Theodore Y. Kinne, Miles Davenport, Joseph F. Parker and Albert W. Stagg and the survivors of them, and all such persons as may be hereafter associated with them, or the survivors of them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Sandford Manufacturing Company," for the purpose of manufacturing in the city of Paterson, in the county of Passaic, in this State, a certain salve invented and heretofore manufactured and sold by the said Charles Sandford, and of selling the same, and carrying on the business incident to such manufacturing and selling; and by the same name they shall possess all the rights and powers, and be subject to all the liabilities incident to such bodies by the common law and the statutes of this State.

Corporators.

Title.

Objects.

Powers.

Directors.

2. *And be it enacted*, That the affairs of the said company shall be managed by six directors, to be chosen, except as hereinafter provided, by the stockholders of the said company annually, at such time and in such manner as the by-laws of the said company may direct, three of whom shall constitute a quorum for the transaction of business, and a majority of whom shall be residents of this State, which directors shall serve for the term of one year, and

Quorum.

Term of office of.

until others are chosen in their stead, notice of which election shall be given two weeks previous thereto personally in writing, or in one or more newspapers published in the said city of Paterson; said directors shall, from time to time elect a president of the said company from their own number, who shall hold his office until the next annual election of directors and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary, who shall hold their offices until others shall be appointed in their places; and any vacancy in the office of president may be filled by the said directors, and any vacancy in the board of directors may be filled by the remainder of the directors, by appointment, until the next annual election; and if for any reason an election of directors shall not be held at the time appointed, said corporation shall not for that cause be dissolved, but such election may be held at any time thereafter; *provided*, the same notice of such election shall be given as is hereinbefore required for the regular annual election.

Officers.

Vacancies, how filled.

Failure to elect shall not dissolve.

Proviso.

3. *And be it enacted*, That the capital stock of said company shall be seven thousand dollars, which may be increased to fifteen thousand dollars, and shall be divided into shares of one hundred dollars each; and it shall be lawful for the directors of the said company to call and demand from the stockholders thereof respectively, all the sums of money by them subscribed, at such times and places, and in such proportions or instalments as they shall deem proper, and in case of the failure of any stockholder to pay any such proportion or instalment of his or her share or shares of stock, at the place and within thirty days after the time appointed, such stockholder shall incur a forfeiture of his or her share or shares of stock, and of all previous payments thereon; *provided*, two weeks' notice of such demand and of the time and place of paying such proportion or instalment shall be served personally upon each stockholder, or given in one or more of the newspapers published in the said city of Paterson.

Capital stock.

May be forfeited.

Proviso.

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

Stock personal property, how voted.

First directors.

5. *And be it enacted*, That Charles Sandford, Samuel A. McGregor, Theodore Y. Kinne, Miles Davenport, Joseph F. Parker and Albert W. Stagg, shall be the first directors of the said company, and at least three of them shall as soon as convenient after the sum of thirty-five hundred dollars of said capital stock shall be subscribed, assemble and organize said corporation, and they shall continue in office until others as hereinbefore directed shall be chosen in their stead.

May organize, when.

By-laws.

6. *And be it enacted*, That the said directors may from time to time make, alter and repeal by-laws for the government of the said company, its officers and agents, the preservation and use of its property, and the conduct and management of its business; *provided*, that no such by-laws shall conflict with any law of this State.

Proviso.

Books of account and transfer.

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 company; which books shall at all times be open to the inspection of the stockholders or their legal attorney or attorneys; *and further*, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

May be dissolved

8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders specially summoned for that purpose; *provided*, the same notice thereof shall be given as is hereinbefore required for the regular annual meeting, and the persons holding at least three-fourths of the stock shall be present or represented thereat; and upon such dissolution the directors for the time being, and the survivor and survivors of them, shall be ipso facto trustees for settling all the affairs of said company, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock, unless the stockholders at such general meeting shall appoint other persons not less than three, nor more than five in number for such purpose, in which case the persons so appointed, and the survivors or survivor of them shall be the trustees or trustee for the purpose aforesaid.

Proviso.

9. *And be it enacted*, That this act shall have immediate effect.

Approved March 7, 1871.

CHAPTER CXIX.

An Act to change the place of holding the Annual Town Meeting, of the township of Deptford, in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual town meeting of the inhabitants of the township of Deptford, in the county Gloucester, for the present year, shall be held at the Almonesson school house, in the said township of Deptford, on Wednesday, the eighth day of March next, one thousand eight hundred and seventy-one, and annually thereafter on the first Tuesday in March, at such place as they may determine; at which said town meetings the inhabitants of said township shall be authorized to elect all the officers, and do such other matters and things as are authorized by law to be done and performed at town meetings. Town meeting, where and when held.

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

Approved March 7, 1871.

CHAPTER CXX.

A Further Supplement to the act entitled "An act to create from parts of the town of Orange, and the townships of Caldwell and Livingstone, in the county of Essex, a new township, to be called the township of Fairmount," approved March eleventh, anno domini one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assemlby of the State of New Jersey*, That so much of sections twenty-eight and thirty-one of the act entitled "A further supple- Repealer.

ment to an act entitled 'An act to create from parts of the town of Orange, and the townships of Caldwell and Livingstone, in the county of Essex, a new township, to be called the township of Fairmount,'" approved March eleventh, anno domini one thousand eight hundred and sixty-two, which said act was approved March tenth, in the year of our Lord one thousand eight hundred and seventy, as requires publishing a copy of the proposed ordinance in a newspaper printed in the city of Newark, be and the same is hereby repealed.

Repealer.

2. *And be it enacted*, That so much of section thirty-two of the act entitled "A further supplement to the act entitled 'An act to create from parts of the town of Orange, and the townships of Caldwell and Livingstone, in the county of Essex, a new township, to be called the township of Fairmount,'" approved March eleventh, anno domini one thousand eight hundred and sixty-two, which said supplement was approved March tenth, in the year of our Lord one thousand eight hundred and seventy, as requires the township clerk to give two weeks' previous notice in a newspaper printed and published in the city of Newark before the consideration of any such report and map, certified to the said township committee by the board of assessments, be and the same is hereby repealed.

Repealer.

3. *And be it enacted*, That so much of section thirty-seven of the act entitled "A further supplement to the act entitled 'An act to create from parts of the town of Orange, and the townships of Caldwell and Livingstone, in the county of Essex, a new township, to be called the township of Fairmount.'" approved March eleventh, anno domini one thousand eight hundred and sixty-two, which said act was approved March tenth, anno domini one thousand eight hundred and seventy, as requires the collector of the said township of West Orange to give four weeks' notice in a newspaper printed in the city of Newark, that the said report and map have been so delivered to him, be and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That so much of section twenty-eight of the act entitled "A further supplement to an act entitled 'An act to create from parts of the town of Orange and the townships of Caldwell and Livingstone, in the county of Essex, a new township, to be called the township of Fairmount,'" approved March eleventh, anno domini one thou-

sand eight hundred and sixty-two, which said act was approved March tenth, anno domini one thousand eight hundred and seventy, as requires public notice of any such contemplated improvement to be given by the township clerk, by publishing a copy of the proposed ordinance for at least four weeks in one of the newspapers printed in the town of Orange, be and the same is hereby repealed; and public notice of any such contemplated improvement enumerated in said section, shall be given by the township clerk by publishing a copy of the proposed ordinance for at least two weeks in the newspaper printed in the town of Orange having the largest circulation.

Notice of improvement to be given.

5. *And be it enacted*, That for the purpose of improving the streets, public roads and highways of the township by macadamizing, grading and paving the same or otherwise under the direction and control of the township committee: and also, for the purpose of improving the sidewalks in said township, under the like direction and control, by curbing the same or otherwise, the township committee are hereby authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of one hundred thousand dollars, and to secure the repayment of the same with interest at seven per centum per annum, at such time or times and in such manner as to said township committee may seem proper, by the bonds of the township, to be signed by the chairman of the township committee and township clerk, and to be sealed with the common seal, and it shall be the duty of said township committee to determine on or before the first Monday in June, in each year, what sum will be necessary to be raised in that year, for the purpose of paying said interest, and any of said bonds that may become due in said year, or of creating or making payments into a sinking fund for the payment and extinguishment of said bonds at maturity, which sum when so determined shall be assessed and collected in the same manner, but without any additional compensation, as any other road taxes are or shall be; *provided*, that in no case shall the principal of said bonds or any part thereof, so issued by the township committee, become due and payable before the first day of June, in the year of our Lord one thousand eight hundred and ninety-six.

Town committee may borrow money for improvements.

May issue bonds.

How paid.

Proviso.

6. *And be it enacted*, That the township committee shall from time to time determine in what manner any street, road

Town committee to determine how improvement to be made.

or highway, or any part or parts thereof shall be so improved, and shall by ordinance order and direct the same to be done.

Township committee, powers of.

7. *And be it enacted*, That the township committee of the township of West Orange, shall have power to pass, alter and repeal, from time to time, any and all such ordinances as they shall think proper for any or all of the following purposes, to wit:

Finances.

I. To manage, regulate and control the finances, and the property, real and personal, of the town;

Vice and immorality.

II. To prevent vice and immorality; to preserve public peace and good order; to prevent, disperse and quell crowds, riots, disturbances and disorderly assemblages;

Gaming.

III. To restrain and suppress disorderly and gaming houses, and houses of ill fame, as well as all instruments and devices used for gaming; and to prohibit and prevent all gaming and fraudulent devices of every kind;

Shows and exhibitions.

IV. To prohibit, restrain, regulate and license all sports, games, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions of any kind whatever;

Lighting streets, &c.

V. To provide and maintain lamps and gas fixtures, and to light the streets and public grounds;

Water.

VI. To build and regulate wells, pumps, aqueducts and cisterns in the streets;

Taxes.

VII. To adopt all legal and requisite measures for levying and collecting taxes;

May levy taxes.

8. *And be it enacted*, That the township committee shall have power to raise by tax in each year, such sum or sums of money as they may deem expedient, or may be necessary for any or all of the following purposes, to wit:

I. For lighting streets;

II. For the support of public schools;

Proviso.

III. For the contingent expenses of the town; *provided*, that such tax (exclusive of the amounts appropriated for the lighting of streets, and for the payment of either principal or interest of or upon any indebtedness of the town, or any instalment to the sinking fund) shall not exceed one hundred cents on every hundred dollars of the valuation of assessed property in said town, as ascertained by the assessor's returns in the previous year.

Town clerk to keep books of record.

9. *And be it enacted*, That the town clerk shall record and carefully index, in books to be kept for that purpose,

all certificates and declarations of sale of lands and real estate for unpaid taxes or assessments, and all assignments thereof; and shall also attest the said certificates and declarations of sale, and cancel the said certificates when the said lands and real estate shall be redeemed; that he shall give certificates of search in such records for such certificates, declarations and redemptions, to all persons who apply for the same; and that he shall in general, perform such other duties as are or may be required of him, or of township clerks, by this or any other law of this State.

Shall give certificates.

10. *And be it enacted*, That the collector of taxes in and for the said town, shall perform the same duties, and possess the same powers, and receive the same compensation as collectors of taxes in the several townships of this State perform, possess and receive, under the general laws in regard to taxes, except so far as may be otherwise provided; and that he shall perform all such other duties as are required of him by subsequent sections of this act in relation to the sale and redemption of lands and real estate for unpaid taxes and assessments.

Collector, duty and compensation.

11. *And be it enacted*, That any and all sum or sums of money, which may be ordained by the township committee to be raised by tax in any year, shall be assessed by the assessor, and shall be collected by the collector of taxes of the said township, in the same manner that the taxes in the townships of the said county of Essex are assessed and collected, except as is herein otherwise ordered; and except, also, that so much of said tax as may be raised for lighting the streets of the township, shall be assessed upon the land and real estate on the line of said streets, or such part or parts thereof as may be so lighted, and that the said assessor shall keep the amounts so assessed for the said lighting of streets in a separate column upon their duplicates, and shall be allowed three cents a name for such additional service, but that the collector of taxes shall receive no special compensation therefor.

Taxes, how levied and collected.

Exception.

12. *And be it enacted*, That in addition to the poll tax now or hereafter to be required by law, a poll tax of fifty cents shall be assessed upon every male inhabitant of the town liable to a poll tax.

Poll tax.

13. *And be it enacted*, That the said assessor shall make the assessments required of him by law, between the twentieth day of May and the last Tuesday of June in each year;

Assessments, when made.

Assessor, duties of.

that in making such assessments he is hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether such lands and real estate be improved or not, in the names of the respective owners thereof (when the said owners can be ascertained), and to designate the same, as far as possible, by the name and number of the street where situate, or by such other short description as will be sufficient to show the location and extent thereof; that only one assessment shall be made on any improved lot and any unimproved lands which may be connected therewith, and belong to the same owner; and that when maps shall be provided for the purpose by the town committee, the assessor shall make his assessments conform as nearly as possible to said maps.

Duty of collector and assessor.

14. *And be it enacted*, That it shall be the duty of said assessor to deliver his duplicate of his said assessments to the collector of taxes in said town, on or before the first Tuesday of September in each year, and that it shall be the duty of said collector of taxes, within thirty days after the receipt of said duplicates, to demand payment of said taxes, and to give notice as required by the eleventh section of the act entitled "An act concerning taxes;" and that the commissioners of appeal in cases of taxation in and for the said township, shall meet at some place to be appointed by the township committee, on the first Tuesday of October in each year, to perform the duties required of them by law; and that such commissioners may adjourn from time to time as they may see fit.

Commissioners of appeal.

Taxes, when due and payable.

15. *And be it enacted*, That all such taxes so assessed shall become due and payable to the collector of taxes for said township, on or before the twentieth day of October in each year; and one per centum shall be added to all taxes remaining unpaid on the fifteenth day of November in any year; and an additional one per centum shall be added to all taxes remaining unpaid on the first day of December in any year, with interest at the rate of twelve per centum per annum from the twentieth day of October until paid, and that the payment of said taxes with interest thereon, as aforesaid, and all costs and fees, shall and may be enforced, as is now or may be hereafter directed by any law of this State, or by a sale of lands and real estate as is hereinafter prescribed.

Penalty for non-payment.

16. *And be it enacted*, That at the first meeting of the

township committee, in the month of November in each year, and as often thereafter as he may be thereto required by them, it shall be the duty of said collector of taxes to make a full statement or report in writing to the said township committee, setting forth the amounts of money received by him for or on account of said taxes for that year, the several sums then remaining unpaid, and the names of the several persons then in arrears therefor; and that, on the first day of January next following, he shall prepare an abstract of all the unpaid taxes for the previous year, showing the names of the persons in arrear, and the description of the lands and real estate assessed, as the case may be, and as taken from the assessor's duplicates, and shall enter the same in a book to be kept in his office, and to be called "The Record of Unpaid Taxes," and that the said collector of taxes shall be allowed, as compensation for making such statement or report, and such abstract, such sum as may be from time to time fixed by the said township committee.

Collector to render statement.

And prepare abstract.

And record same Compensation.

17. *And be it enacted*, That any assessment of taxes against any person or persons, shall be and remain a lien upon any and all such lands and real estate of such person or persons within the township; and any assessment of taxes upon any lands and real estate within the township, shall be and remain a lien upon such lands and real estate; and any assessment for any improvement, for either benefits or expenses, as the case may be, shall be and remain a lien upon the lands and real estate so assessed therefor, together with interest on said assessments respectively, and all costs and fees, for the space of three years from the twentieth day of May in that year in which said assessment shall have been or shall be made; notwithstanding any devise, descent, alienation, mortgage, judgment, or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners of such lands and real estate, or omission to name such owner or owners; and that any assessment in which such mistake or omission occurs shall be valid and effectual in law, as though said mistake or omission had not occurred.

Assessment to be a lien.

Mistake not to invalidate.

18. *And be it enacted*, That in case any assessment of taxes, together with interest thereon as aforesaid, and all costs and fees which may have accrued thereon shall remain unpaid on the first day of January next succeeding the time of making such assessment; or in case any assessment for an

Collector shall enforce lien, when.

improvement, together with interest thereon, as aforesaid, and all costs and fees which may have accrued thereon shall remain unpaid at the expiration of sixty days from and after the first publication of the notice, mentioned in the thirty-seventh section of the act entitled "A further supplement to the act entitled, 'An act to create from parts of the town of Orange, and the township of Caldwell and Livingstone, in the county of Essex, a new township, to be called the township of Fairmount,'" approved anno domini one thousand eight hundred and sixty-two, which said supplement was approved the tenth day of March, in the year of our Lord one thousand eight hundred and seventy; it shall be the duty of the said collector of taxes to proceed forthwith in the collection of said assessment, by enforcing the lien aforesaid upon the said lands and real estate in the manner hereinafter prescribed.

Second notice to be given.

19. *And be it enacted*, That the said collector shall thereupon give a second notice, by an advertisement in a newspaper printed in the town of Orange, that unless said assessment for taxes, or said assessment for an improvement, as the case may be, together with interest thereon as aforesaid, and all costs and fees shall be paid to him at his office within thirty days after, the first publication of the said second notice, he shall proceed, at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale, in accordance with the provisions of this act, of the said lands and real estate whereon the said assessments have been imposed or may be a lien; and that said second notice shall contain a brief abstract of said assessment, showing the names of the owner or owners, when known, a brief description of said lands and real estate, and the amount of the unpaid assessments due thereupon; and that it shall be lawful to incorporate more than one assessment in said notice; *provided*, that in case of several assessments being so incorporated, they shall be either for taxes or for improvements.

Lands to be sold.

Proviso.

Lands, how sold.

20. *And be it enacted*, That at the time and place, and between the hours mentioned in said notice, the said collector of taxes shall proceed to sell, by public auction, the several parcels of the said lands and real estate upon which the said assessments still remain due and unpaid for the lowest term of years (but in no case exceeding fifty years) for which any person will take the same and pay the

amount of such assessments, with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and that if not so made, the said collector of taxes may re-sell the property, or the township may have its action against the purchaser for the payment of the whole amount due, with the interest thereon, at the rate of two per centum per month; that the sale may be adjourned, from time to time, at the discretion of said collector, until all the said lands and real estate shall have been disposed of; and that such parcels as are not bid for when offered for sale, a re-sale as aforesaid, shall be struck off to the township for the term of fifty years.

Certificates of sale.

21. *And be it enacted*, That at or after the close of the sale the said collector of taxes shall make out, under his hand and seal, and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses; that such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the town clerk, in books to be kept for the purpose, and after being so recorded, shall constitute a lien upon the lands and premises therein described; and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the town clerk; and that no declaration of sale shall be executed and delivered to such purchaser or assignee, as hereinafter provided, until the said certificate shall have been canceled and filed with the town clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the township committee.

To be recorded.

Assignments to be recorded.

Loss of certificate.

Record, collector to keep.

22. *And be it enacted*, That the collector of taxes shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him; to which record all parties claiming to be interested shall have free access at all reasonable times.

In case township is purchaser.

23. *And be it enacted*, That if the township becomes the purchaser of any lands and real estate, at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of this act in relation to the sale shall apply to the township the same as to any other purchaser.

Mortgagee not to be divested of his rights without notice.

24. *And be it enacted*, That no mortgagee, or assignee of any mortgage, whose mortgage or deed of assignment, as the case may be, shall have been duly registered before any such sale for an unpaid assessment, shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing by the purchaser or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of the said county of Essex, or if he be not so resident, by being directed to him at his place of residence, as stated in the mortgage or deed of assignment, and by being deposited in the post office of the town of Orange, and that in the latter case, said notice shall likewise be published for the space of two months in a newspaper printed in said town of Orange having the largest circulation; and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the said collector of taxes a copy of said notice, together with the affidavit of some person (who shall be certified by the officer taking the affidavit to be a creditable person), as to the manner of service, or service and publication thereof.

Notice, how given.

Lands may be redeemed.

25. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to the collector of taxes, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said collector, together with interest at the rate of two per centum per month upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid, and that the certificate of said collector, stating the receipt of such moneys, and showing what property the same was intended to

Conditions.

redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said collector, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand, and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act for the amount so paid by him to effect such redemption, with interest thereon at the rate of seven per centum per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said collector shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the township clerk.

Certificates, collector to issue.

26. *And be it enacted*, That if any lands and real estate so sold, shall not be redeemed as aforesaid, the township committee shall execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the chairman of the township committee, and attested by the township clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale, and the term for which said premises were sold; that said declaration shall be recorded in the office of the town clerk, in books to be kept for the purpose, and that until the same shall be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places; that such sale and proceedings were regularly made and had according to the provisions of this act; and that such purchaser, and his legal representatives or assigns, shall by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended, for which the purchaser agreed to take the same; and at the expiration of the said term, shall peaceably and quietly yield up such lands and real estate to

In case of non-redemption.

Town committee shall issue certificate of sale.

To be recorded.

the lawful owner or owners thereof, being liable however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Certificates of search to be given.

27. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of such certificates as aforesaid, the town clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and that he shall also cancel such certificates, and such assignments thereof, so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing, in his office, of the collectors' certificates of such redemption.

Collector, compensation of.

28. *And be it enacted*, That besides the compensation which is now or may be hereafter allowed, under the general law of this State, to the collector of taxes for any service to be performed under this act, he shall be allowed such special compensation for special services, as may be from time to time determined by the townshsp committee; and that he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the said township clerk shall also be entitled to receive from said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate, to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof) made by him in the records of certificates and declarations of sale and assignments, as aforesaid; and that the said collector of taxes shall likewise collect, for the use of the township, the sum of one dollar from each purchaser, at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

Sales for taxes.

29. *And be it enacted*, That in the case of any assessment for taxes, or for benefits and expenses in any general or local improvement heretofore made, it shall be lawful for the township committee, to direct by ordinance, that any lands and real estate whereon the said assessment may have been imposed or may be a lien, by virtue of any former act, shall be sold in the manner hereinbefore prescribed, and that in such case, the proceedings after the date of such ordinance,

shall be [made] to conform as closely as possible to the provisions of this act.

No wheel to be chained, &c.

30. *And be it enacted*, That no person shall be allowed hereafter to chain or tie any wheel or wheels, or put a shoe or drag under or upon the same in descending any hill in the township of West Orange, under a penalty of ten dollars, to be recovered by action of debt with costs by the treasurer of said township in any court of record of this State having cognizance of that sum.

Bonds may be sold, how.

31. *And be it enacted*, That it shall and may be lawful for the township committee aforesaid from time to time to sell and dispose of their coupon bonds issued by them by virtue of the fifth section of this act, and also to sell and dispose of their coupon bonds issued or to be issued by them by virtue of the twenty-second section of the act to which this act is a supplement, at such market rates as can be obtained for the same.

Repealer.

32. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent therewith or repugnant thereto, be and the same are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair or take away right or remedy acquired or given by any act so repealed; and all proceedings commenced under any such former act, shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner, and with the same effect as though this act had not been passed.

No right to be impaired.

Proceedings under former act to be carried out.

Public act.

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

Approved March 7, 1871.

CHAPTER CXXI.

An Act to incorporate the Belleville Trust Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hugh Holmes, Elias Osborn, Alfred Keen, Peter T. Doremus, William N. Randall and

Henry H. Jacques, and such other persons as may be hereafter associated with them, and their successors are hereby constituted a body corporate, in fact and in law, under the name of "The Belleville Trust Company," and by that name shall have perpetual succession, and may sue and be sued, in any court whatever, with powers and privileges as are hereafter provided.

Title.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each, but when one hundred thousand dollars shall have been actually subscribed, and fifty thousand dollars paid in, in cash, the said company may organize and proceed to business under this act.

Objects and powers.

3. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidence of debt, and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stock, bonds, promissory notes, certificates and evidences of debt, contracts or other property, and to take the management, custody, and charge of real or personal estate and property, and to advance moneys, securities and credits upon evidences of debt or any property, real or personal, on such terms as may be established by the directors of said company; but no rate of interest to exceed seven per centum per annum shall be charged or received by said company upon any transaction.

Directors.

4. *And be it enacted*, That the business of the corporate powers of said company shall be exercised by a board of eleven directors, to be chosen as hereinafter provided, who shall elect from their number a president; five of which directors shall constitute a quorum for the transaction of business, and the principal office of said company shall be located in Belleville, in the county of Essex, in this State.

Quorum.

Principal office.

Commissioners to open books of subscription.

5. *And be it enacted*, That the persons named in the first section of this act shall be, and they are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and place as they, or a majority of them shall deem proper, and for such amounts

as in their judgment the business of the company may require, but for no less amount of subscription than one hundred thousand dollars, as hereinafter provided; the persons named in the first section of this act shall be directors of said company for one year after the passage of this act, and until others are elected in their stead; the remaining directors for the same period shall be elected by a majority in interest of the stockholders, voting at an election to be held under the inspection of said commissioners within twenty days from the closing of the subscription called for by them; and all the directors must be stockholders in said company.

First directors.

Directors must be stockholders.

6. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold, and convey all such real or personal estate, as may be necessary to carry on their business as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell and exchange the same for other property, as they may determine that the interest may require; and the said company are hereby authorized to make, execute, and issue in the transaction of their business all necessary receipt, certificates and contracts, which shall bear the impress or stamp of the seal of the company, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

May hold real estate.

May make contracts.

7. *And be it enacted*, That it shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by an act entitled, "An act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Capital stock may be increased.

8. *And be it enacted*, That the stock of said company shall be transferable only on the books of said company.

Stock, how transferred.

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

Approved March 7, 1871.

CHAPTER CXXII.

Supplement to an act entitled "An Act for the improvement of the town of Keyport, in the county of Monmouth," approved March seventeenth, one thousand eight hundred and seventy.

Words inserted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "by printed notices put up in at least twenty-five of the most public places in the said town, or published in one or more newspapers published in said town," be inserted immediately after the words "before such election," in the twentieth line of the third section of the act to which this is a supplement.

Commissioners, powers of.

2 *And be it enacted*, That the board of commissioners mentioned in the act to which this is a supplement, shall have full power to order and direct the laying of such suitable curbs, gutters and sidewalks along the streets of the town of Keyport, as they may, from time to time, deem necessary: *provided*, that the material used for such purposes shall consist of wood, brick or stone, as said board of commissioners, or a majority of them, shall direct; the said board of commissioners shall also have full power to open streets, widen streets and parts of streets, straighten lines of streets, and assess the cost, benefits and damages thereof on the property benefitted; they are also empowered to receive proposals, award contracts for and order the laying of such drains, sewers and culverts as they shall deem necessary, and on the application of property holders, in the manner provided in the fourteenth section of the act to which this is a supplement, in applications for paving streets, shall lay out new streets.

Proviso.

May receive proposals.

Lay out new streets.

Land owners, liability of.

3. *And be it enacted*, That if any land owner shall neglect or refuse to pave the sidewalks of his or her lands aforesaid, within three months after he or she shall be notified by said board of commissioners so to do, then the said commissioners shall proceed to have the same done, and they shall recover,

in the name of the treasurer or board of commissioners of the town of Keyport, the expenses thereof, which shall include the cost of material, carting and labor, from such land owner, in an action of debt, before any court having cognizance thereof, and the declaration in any such action may be general, stating that the demand is for so much money paid, laid out and expended in paving the sidewalks in front of his or her land by virtue of this act, and the special matters may be given in evidence under it; and such claim shall remain as a lien on the real estate of said party until satisfied.

To keep in repair.

4. *And be it enacted*, That after said sidewalks shall be graded and paved as aforesaid, each land owner shall keep the same in good and sufficient repair in front of his or her land, and in case of neglect or refusal, said commissioners shall cause the same to be so kept, and the expense thereof shall be by them recovered against such land owner so refusing or neglecting, in the manner provided in the next preceding section of this act.

Commissioners may purchase lot and erect town hall.

5. *And be it enacted*, That the said board of commissioners of the town of Keyport, shall have power to purchase a suitable lot or lots of land and erect thereon a suitable building to be used as a town hall, lock-up, storehouse for fire apparatus, and such other purposes as they shall direct, at a cost not exceeding fifteen thousand dollars, and for the purpose of more readily borrowing money for such purpose, and for the purpose of more readily carrying out the provisions of this act and the act to which this is a supplement, they are hereby empowered to issue their corporate bonds to an amount not exceeding ten thousand dollars, said bonds to bear interest not exceeding seven per centum per annum, and to be made payable in not less than one nor more than ten years from the date of their issue.

May issue bonds.

Repealer.

6. *And be it enacted*, That all that part of the twentieth section of the act to which this is a supplement, after the word "act," in the eleventh line of said section, be and the same is hereby repealed.

Appeal.

7. *And be it enacted*, That any person who shall consider himself or herself aggrieved, through any special assessment of the said board of commissioner, made by virtue of this act, he or she shall have the right to an appeal to any three of the chosen freeholders of the county of Monmouth, whose determination shall be final; *provided, however*, that if said

Proviso.

assessment shall be confirmed, the necessary expenses of said appeal shall be paid by the party so appealing; *and provided also*, that said appeal shall be determined within forty days after notice of such assessment shall be received by the party appealing; *and provided also*, that notice of the time and place of hearing said appeal shall be served by the party appealing, or any member of the said board of commissioners, at least five days before the time of hearing such appeal.

Proviso.

Proviso.

Words changed.

8. *And be it enacted*, That the words "two-thirds" be stricken out of the twentieth and twenty-first sections of the act to which this is a supplement, and the word "majority" be inserted in lieu thereof in said sections.

Notice, how given.

9. *And be it enacted*, That wherever in the act to which this is a supplement it is provided that notices shall be put up within the limits of said town of Keyport, said board of commissioners may, at their option, cause to be put up the notices as required in said act, or publish them for two weeks in one or more newspapers published in said town.

Marshal may act as constable.

10. *And be it enacted*, That from and after the time this act shall take effect, the person who shall be or who has been heretofore appointed town marshal by the board of commissioners of the town of Keyport, is hereby authorized and empowered to do and perform all the duties, and exercise all the power, and be subject to all the liability of a constable in the several courts for the trial of small causes in the county of Monmouth; also that he shall, in every respect, occupy the same position as though he had been legally elected a constable in any township of said county: *provided however*, that before said marshal shall proceed in the exercise of any of the duties of a constable, except such as he may lawfully perform as marshal, he shall, in addition to the security required of him as marshal, enter into bond to said commissioners, in their corporate name and capacity, with one or more sureties, to be approved of by said commissioners, in such sum as said commissioners shall direct, conditioned for the true and faithful performance of all of the duties of his said office as constable, which bond shall be filed with the town clerk of the town of Keyport, and may be proceeded on by any person sustaining loss by the neglect, default, or misfeasance of said marshal acting as constable, in the same way and manner as is now or may hereafter be provided by law in case of constables' bonds.

Proviso.

11. *And be it enacted*, That immediately after the word "Monmouth," in the sixteenth line of the eighth section of the act to which this is a supplement, the words "or the town lock-up or prison" be inserted, and that immediately after the word "marshal," in the nineteenth line of the eleventh section of said act, the words "or town collector" be inserted, and immediately after the word "town," in the twelfth line of the seventh section of the act to which this is a supplement, the following words shall be inserted "and in all cases not covered by any ordinances of the board of commissioners, the police justice shall be governed by the laws of this State." Words inserted.

12. *And be it enacted*, That immediately after the word "act," in the third line of the thirteenth section of the act to which this is a supplement, the words "or any supplement thereto" shall be inserted. Words inserted.

13. *And be it enacted*, That section thirteen of the act to which this is a supplement, be amended by omitting the last word in said section, and adding the words "in section eleven of this act in collection of assessments, &c." Section amended

14. *And be it enacted*, That the said board of commissioners shall have power to pass and enforce such ordinances as they may from time to time deem necessary for the prevention of the running at large of swine and cattle within the limits of the said town of Keyport. Commissioners, powers of. Beasts not to run at large.

15. *And be it enacted*, That all acts heretofore done and committed by the said board of commissioners of the town of Keyport, in the discharge of their duties as said commissioners, be and the same are hereby confirmed and declared valid and legal. Acts confirmed.

16. *And be it enacted*, That any and all portions of the act to which this is a supplement, which may be in conflict with this said supplement, or any part thereof, is hereby repealed. Repealer.

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

Approved March 7, 1871.

CHAPTER CXXIII.

A Further Supplement to an act entitled "An act to incorporate the Cumberland County Steamboat Company," approved April third, one thousand eight hundred and sixty-six.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and they are hereby authorized to issue their bonds in such sums, not exceeding in the whole the principal sum of forty thousand dollars, as said company may deem expedient, bearing interest not exceeding seven per centum per annum, payable semi-annually, and to secure the payment of said bonds

Mortgage property.

by a mortgage of their franchises, wharves and other property, real and personal, acquired and to be acquired; and so far as the same shall be upon personal property, it shall not be subject to any other rule as to possession of the property, or filing or registering of the mortgage, than real estate mortgaged is.

May elect nine directors.

2. *And be it enacted*, That it shall be lawful for the stockholders, at the next and every subsequent election, to elect nine instead seven directors; and the said nine directors, or the major part of them, shall manage all the affairs of said company.

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

Approved March 7, 1871.

CHAPTER CXXIV.

An Act to set off a part of the township of Newton, in the county of Camden, and annex the same to the township of Haddon, in the county aforesaid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Newton, in the county of Camden, lying and being included within the following boundaries, to wit: beginning at a point in the middle of the main branch of Newton creek opposite the mouth of the north branch of said creek; thence to and up the middle of said north branch to the middle of the Mount Ephraim turnpike road; thence in a northwesterly course along the middle of said Mount Ephraim road to the intersection of said Mount Ephraim turnpike road and the Stockton and Newton turnpike road, also known as Kaighn's point and Ferry road; thence along the middle of the said Stockton and Newton turnpike road in a northeasterly direction to the middle of the White Horse turnpike road; thence northeasterly along the middle of the said Stockton and Newton turnpike road to the middle of the Haddonfield turnpike road; thence in a northeasterly direction in a straight line with the middle line of the said Stockton and Newton turnpike road to the middle of Cooper's creek; thence up the middle of said creek the several courses thereof to a corner to the said township of Haddon; thence along the present boundary line of the said township of Haddon southwestwardly to the Haddonfield and Camden turnpike road aforesaid; thence along the public road leading from said turnpike to the city of Gloucester (commonly called the Collings road,) to a point in the middle of main branch of Newton creek aforesaid; thence down the said creek the several courses thereof to the place of beginning; be and the same is hereby set off from the township of Newton, and annexed to and become a part of the township of Haddon; the inhabitants with their taxable estates within the districts above described and annexed, shall be entitled

Boundaries defined.

to all the rights, powers and privileges, and subject to the same government, regulations and liabilities as the other inhabitants of the said township of Haddon, in the county of Camden, are or may be entitled or subject to by the laws of this State.

Joint committees, time and place of meeting.

2. *And be it enacted*, That the township committee of the township of Newton, elected in one thousand eight hundred and seventy, and the township committee of the township of Haddon, shall meet on the first Tuesday of April next, at ten o'clock in the forenoon of said day, at the town hall in Haddonfield, and may adjourn and meet from time to time until the business before them shall have been fully completed; the said joint committees when so met, shall organize by the appointment of one of their number as president, and one other as secretary of said joint committee.

Duties of the committees.

3. *And be it enacted*, That it shall be the duty of the said committee of Newton township, when the said joint committee are so met and organized, to produce and lay before the said committee the following statements, to wit: first, the whole taxable value of the said township of Newton, as shown on the duplicate of assessment for the year one thousand eight hundred and seventy; second, a statement of the assessed value of the taxable property situate in that part of said township hereby annexed to the township of Haddon; third, the amount of the indebtedness of the said township of Newton on the day of the passage of this act, with the names of the parties to whom such indebtedness is due and owing, with the amount due and owing to each; fourth, the amounts of money on hand, with a list of uncollected taxes due and owing on tax warrants against residents and owners of property in the district annexed.

Committees to make an apportionment.

4. *And be it enacted*, That it shall be the duty of the joint committee of the two townships when so assembled, to proportion by a calculation based upon the relative proportion of the taxable value of the property within that part of the township of Newton hereby annexed to the township of Haddon, with the assessed value of the entire taxable property of the township of Newton for the year one thousand eight hundred and seventy, and thereby determine the amount of the said indebtedness to be assigned to and paid by the township of Newton, and also to apportion on the same basis the money and other property of the said town-

ship on hand at the time aforesaid, and assign a due proportion thereof to the township of Haddon.

Money received for taxes, &c., to be paid to township collector.

5. *And be it enacted*, That it shall be the duty of the committee of the township of Newton, upon agreement by the joint committee or a majority thereof present, to draw an order on the collector or treasurer of said township in favor of the collector of the township of Haddon, for the amount of money so made payable to said township, and shall also make an order on the constable or person having the tax warrants of the said township, to the effect that he shall pay all money by him collected and received for taxes on property within the bounds or part set off and annexed to the township of Haddon, to the collector of the said township.

Collector to keep a separate account of moneys received.

6. *And be it enacted*, That the collector of the township of Haddon shall open and keep a separate account of all money by him received of the collector or treasurer of the township of Newton, of the constable or the person having charge of the tax warrants of said township, and for all moneys collected by special tax intended for the payment of such indebtedness, which money so received shall be appropriated and used in the payment of such indebtedness and for no other purpose.

Money shall be raised by special tax to pay indebtedness.

7. *And be it enacted*, That the township committee for the year one thousand eight hundred and seventy-one, are hereby authorized and empowered to make an order on the assessor of the township of Haddon, directing him to assess and levy on the persons and property within the district hereby annexed to the township of Haddon, such sum of money as they shall determine for the payment of the said indebtedness or a part thereof; and all money hereafter appropriated for the payment of said indebtedness, shall be raised by special tax on the property of the district aforesaid, until said indebtedness be fully paid.

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

Approved March 7, 1871.

CHAPTER CXXV.

An Act to erect two election districts in the township of Mansfield, in the county of Burlington, and to provide for holding elections in the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the township of Mansfield, in the county of Burlington, there shall be erected two election districts, which shall be separated from each other by a line, beginning on the Delaware river at a place called Biddle's Wharf, and running thence south along the road known as the Three Tuns road, to Three Tuns; thence along the Old York road to the Assisscunk creek; thence in a northerly direction along the said creek to the line of Burlington township; and the territory lying and being north of said line, in said township of Mansfield, shall be known as and is hereby declared to be the first election district of the township of Mansfield, in the county of Burlington; and the place for holding the first town meeting in and for said district, shall be at Moore's Florence Hotel; and the territory lying and being south of the said line, shall be known as and is hereby declared to be the second election district of the township of Mansfield, in the county of Burlington; and the place for holding the elections in and for said district, shall be at Columbus.

First district.

Second district.

2. *And be it enacted*, That the board of election officers in and for the said township of Mansfield, who shall be in office at the time of the passage of this act, shall conduct the spring election for one thousand eight hundred and seventy-one, in said township, each election officer, however, acting only in and for the district in which he may reside, and where, from any cause, any vacancy exists in the election board of either of the election districts hereby created, the remaining members of the board, residing in said district, shall appoint some person, who is a legal voter in said district, to fill each and every vacancy so existing; and where there is no member of said election board residing in any

Present officers shall hold elections.

Vacancies, how filled.

one of the said districts, or if there should be one or more, but who shall neglect or refuse to serve, then it shall be lawful for the legal voters, or any of them, to assemble at the polling place, at the legal hour for holding said spring election, and choose from among their number, by a viva voce vote, a full board of election officers to conduct the said election; and any, each and all such officers, who shall be so appointed or elected, and who shall, in the manner prescribed by law, perform the duties that shall appertain to the same, shall receive the same compensations, and be under the same pains and penalties as are by law, in all such cases made and provided for.

First election of officers.

3. *And be it enacted*, That at the spring election of one thousand eight hundred and seventy-one, in said township, and annually thereafter, the qualified voters of the two election districts, in said township, shall, in addition to the officers now required to be elected by law, elect each for itself a separate and distinct board of election officers, as is allowed by law to a township, in lieu of the board of election officers heretofore allowed by law to the said township of Mansfield; and that each of said election districts shall annually vote by ballot at said election the amount respectively to be raised for road, school, dog and poll tax, which shall be assessed and collected at the time and in the manner as similar taxes have heretofore been assessed and collected in said township.

Subsequent elections.

Tax, to decide by ballot.

4. *And be it enacted*, That Alfred Carty be and is hereby appointed moderator and presiding officer of the first town meeting, and Henry C. Styer is hereby appointed town clerk of said first election district, to hold their respective offices until the next town meeting thereafter, and until others are appointed or elected in their stead.

Officers of first election district.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, in so far as they do so conflict herewith, be and the same are hereby repealed, that this act shall be a public act, and that it shall take effect immediately.

Repealer.

Approved March 8, 1871.

CHAPTER CXXVI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to incorporate the Belvidere Delaware Bridge Company,'" passed the fifth day of March, one thousand eight hundred and thirty-two, which further supplement was passed the twenty-fourth-day of February, one thousand eight hundred and forty-three.

Preamble.

WHEREAS, a suit for the foreclosure of a mortgage, authorized by the act to which this is a supplement, is about to be instituted, and doubts having arisen whether there is now any officer of the said company upon whom service of process can be made; therefore,

Process, how served.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the service of legal process upon the gate keeper and receiver of tolls, at said bridge, shall be deemed a sufficient service upon the said Belvidere Delaware Bridge Company.

New company may be organized.

2. *And be it enacted*, That upon a sale of the said bridge company's bridge and the appurtenances, the bridge with its appurtenances, privileges and franchises, shall vest in the purchaser or purchasers who are hereby authorized to issue stock and organize a new company, with all the rights and privileges granted by and subject to the provisions of the original act of incorporation, and the several supplements thereto, so far as the same are not altered by the provisions of this act.

Same number of directors.

3. *And be it enacted*, That the number of directors of the said company shall be the same as is authorized and provided for by the original act of incorporation, and that the

First election.

first election of officers of such new company shall be held in the town of Belvidere, in the county of Warren and

Notice, how given.

State of New Jersey, two weeks' previous notice having been given by publication in one newspaper printed and published in the county of Warren aforesaid, and in one

newspaper printed and published in the county of Northampton, in the State of Pennsylvania.

4. *And be it enacted*, That this act shall not go in force until the Legislature of the State of Pennsylvania enact a similar law. Act, when in force.

Approved March 8, 1871.

CHAPTER CXXVII.

An Act to incorporate the Rutherfurd Land Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel C. Brown, Augustus G. Richey, Pliny Fisk, Jacob R. Freese and Henry L. Morris, and all such persons as may be hereafter associated with them, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of the Rutherfurd Land Company, and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling, and disposing of such real and personal estate in the county of Mercer, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid. Corporators. Title. Powers.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by not less than three nor more than five directors, a majority of whom shall be residents of this State, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in January in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto in a Directors. Term of office of. How chosen, and when. Notice to be given.

newspaper published in the county of Mercer, and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and the

Power of directors.

said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any

Vacancies.

vacancy or vacancies occur, from any cause whatever, among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Samuel C. Brown,

First directors.

Augustus G. Richey, Pliny Fisk, Jacob R. Freese and Henry L. Morris, who shall hold their office until the first day of January next, or until others are legally chosen.

Capital stock.

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

hares.

divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand

talments, how paid.

from the stockholders thereof respectively such instalments and at such times and in such proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper in the county of Mercer, or shall be given in writing to the stockholders for the like space of time before such instalments are required to be paid; and in case of failure of any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder

Stock may be forfeited.

shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and

Certificates may be issued in payment for real estate.

it shall be lawful for the said company to issue certificates of stock in whole or in part payment for any real estate, purchased by said company.

4. *And be it enacted*, That the said company are hereby

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

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

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct. Failure to hold election not to dissolve.

7. *And be it enacted*, That for the purpose of restricting nuisances and of compelling a uniform system of improvements of said settlement, the said company are hereby authorized and invested with power, to incorporate into any deed of conveyance made by them, whether in fee simple or otherwise, a clause or condition forbidding the sale upon the premises so conveyed by said company, of any spirituous or intoxicating liquors, and to require any grantee of said company, to make and maintain such style and character of improvement on said lots so conveyed, or on the streets fronting thereon, as to the said company may seem most expedient for securing a uniform system of development and improvement, throughout the said settlement. Special powers.

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

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

Act extended to.

9. *And be it enacted*, That this act shall take effect immediately, and that it shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An act concerning Corporations," approved February, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

Act may be repealed.

10. *And be it enacted*, That the Legislature shall have power to repeal, alter and amend the said act whenever they shall deem it necessary so to do.

Approved March 8, 1871.

CHAPTER CXXVIII.

An act to authorize the Chosen Freeholders of the county of Union to borrow money.

Preamble.

WHEREAS, bonds of the county of Union to the amount of one hundred and five thousand dollars, mature during the current year, for the payment of which no provision has been made;

May borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said corporation to borrow a sum not exceeding one hundred thousand dollars, to be used in liquidating the said indebtedness, and for such purpose to issue, from time to time, their coupon bonds, with interest not exceeding seven per centum per annum.

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

Approved March 8, 1871.

CHAPTER CXXX.

An Act to incorporate the Bricksburg and Point Pleasant Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas J. Hines, John Arnold, Albert M. Bradshaw, Sidney Forman, John G. W. Havens, William Dougherty, Jonathan Goble, Robert Campbell, E. S. Merriman, Charles G. French, Tylee Allen, and such other persons as may be hereafter associated with them shall be, and are hereby constituted a body politic and corporate in law, by the name of "The Bricksburg and Point Pleasant Turnpike Company." Corporators. Title.

2. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with authority in the said company to increase the same to any amount not exceeding fifteen thousand dollars, which stock shall be divided into shares of fifty dollars each, and shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall direct. Capital stock.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation, and are authorized at such time or times and places in the county of Ocean as they shall appoint, giving at least twenty days' notice thereof in a public newspaper printed and published in said county, and a majority of said commissioners being in attendance, to open books for the reception of such subscription, and at the time of subscribing, five dollars on each share of said stock shall be paid to said commissioners, and the residue shall be paid as is hereinafter directed. Commissioners to receive subscriptions to stock. Shall give notice.

4. *And be it enacted*, That whenever one hundred shares of said stock shall be subscribed, and one thousand dollars paid as hereinbefore directed, the said commissioners, or a majority of them, shall give notice as above directed for a meeting of the stockholders for the purpose of electing directors and organizing said company, of which election the When and how may organize.

said commissioners, or a majority of them, shall be the judges, and the said stockholders when so met shall elect by ballot from among their number nine directors, who shall be citizens of the State, and shall hold their offices one year, and until others are elected, and each stockholder at such election, and all other elections, shall have one vote for each share of stock owned by him at the time of such election, and may vote by proxy, duly authorized at any election.

Directors.

Term of office of.

Quorum.

5. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, and have power to call in the remainder of said capital stock by instalments, not exceeding five dollars each, giving thirty days' notice thereof in an Ocean county newspaper, and any stockholder neglecting or refusing to pay such instalment for ten days after the same is due, shall forfeit his stock and all payments thereon.

Directors, commissioners shall deliver books to.

6. *And be it enacted*, That when said board of directors are elected, said commissioners shall deliver to them, or such person or persons as they shall appoint, all books and papers belonging to said corporation, and all moneys received by them on subscriptions to capital stock, deducting expenses incurred for books, printing, and necessary expenditures, and two dollars for each day they have been employed in the duties pertaining to their appointment, and said directors and their successors shall annually thereafter cause an election for directors to be held at a time and place to be specified in the by-laws of said corporation, but said corporation shall not be dissolved by reason of a failure to elect officers on any prescribed day, and the incumbents shall hold over until their successors are appointed, which may be done at any other time.

Failure to elect shall not dissolve.

Officers.

7. *And be it enacted*, That said directors shall elect from their own body, or from the stockholders, a president, who shall reside in Ocean county, a secretary and a treasurer, who shall hold their offices one year, and also such subordinate officers and agents as the business of said corporation may require, fix the compensation of all officers and agents, and make by-laws for the government of said corporation not inconsistent with the laws of the United States, or of the State of New Jersey.

Rights and powers.

8. *And be it enacted*, That the said president and directors are hereby invested with all the rights and powers necessary or expedient to survey, lay out and construct a

turnpike road, to commence at or near the village of Bricksburg, in the township of Brick, in the county of Ocean, and extend by the village of Burrsville, to the village of Point Pleasant, in the township of Brick, in the said county, which shall be at least thirty-two feet, and not more than sixty feet in width, sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof sufficiently bedded and faced with stone, gravel, or other material to make a solid, firm and even road at all seasons of the year, and at least twelve feet six inches thereof in width, so graded as not to rise above an angle of six degrees with the plane of the horizon; and the said company shall construct and keep in good repair, good and sufficient bridges on the line of said road, not less than twenty feet in width; and whenever said road is or shall be raised, so much at the margin thereof as to render carriages passing thereon liable to overset, said company shall cause sufficient railings to be erected and maintained on the side to prevent horses and carriages from running off. May construct turnpike.

9. *And be it enacted*, That it shall be lawful for said company to locate and construct the said turnpike road on any of the public highways, between the commencement and termination thereof, and in those places where the said public highways are not straight, then in those places the said company shall have power to construct the said turnpike road where they may deem proper, in order to make the said turnpike road straight; *provided*, by due proof to the satisfaction of the inferior court of common pleas of the county of Ocean, on application on behalf of said company, it be shown that a majority of the land owners adjoining any of said highways in said township have, by their signatures, approved the same; and when such proof is so produced, the said court shall cause an adjudication thereof to be entered in the minutes of the court. May locate turnpike on public highway. Proviso.

10. *And be it enacted*, That when such adjudication shall be made and entered it shall be lawful for said company, by its officers, agents and employees to enter upon, take possession of, hold, use, occupy and excavate said highways, within such township where said landowners have so approved the same, and to erect embankments and bridges, and do all other things necessary or expedient to carry into effect the objects of this act; also to open to a width not exceeding sixty feet, any of said highways, in cases where such public May take possession of highways.

highways are of less width than sixty feet, compensating the owner or owners for the land taken to supply the deficiency, or if the company and the owner cannot agree, proceeding according to the provisions of the twelfth section of this act.

May enter upon lands or waters.

11. *And be it enacted*, That it shall be lawful for said president and directors, the officers and employees, to enter at any time upon any lands or waters, for the purpose of exploring, surveying, leveling and laying out the route of said turnpike road, doing no unnecessary damage to private property, and when the route of said turnpike road, or any five consecutive miles thereof shall have been determined upon, and a survey thereof filed in the office of the clerk of the county of Ocean, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, to erect embankments and bridges thereon, and to do all things necessary or expedient to carry into effect the object of this act; also to search for and take sand, gravel, clay, stone, and such other material for the construction and use of said road; *provided always*, that the said corporation shall pay, or tender payment for all damage for the occupancy and right of way over such lands, and for all sand, gravel, clay, stone, and other material to be taken, before entering or breaking ground in the premises, except for the purpose of surveying said route, unless consent in writing of the owner of said lands be first obtained.

Proviso.

In case of failure to agree.

12. *And be it enacted*, That if any of the owners of such required lands or materials, not being part of such public highways, cannot agree with said company as to the amount of compensation to be paid for such materials, or the right of way over such lands, or where by reason of the legal incapacity or absence of such owner or owners such agreement cannot be made, a particular description of such required land or materials shall be given in writing, under oath or affirmation by some proper agent of the company, and also the name or names of the occupants, if any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause said company to give notice thereof to the persons interested, if known, and residents in this State, and if unknown or out of this State, to make publication thereof as he shall direct, for any term not less than twenty days, assigning a particular time and

place for the appointment of commissioners hereinafter named, at which time and place, upon evidence satisfactory to him of the service or publication of such notice aforesaid, and after hearing the parties, if they desire, he shall appoint, under his hand and seal, three disinterested freeholders of the county of Ocean, commissioners to examine and appraise said materials, or the right of way over said lands, and determine the amount of compensation to be paid for the same; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some competent officer, faithfully and impartially to examine the matters in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to examine lands or materials, and equitably and justly to appraise the said materials, or the right of way over said lands, and to fix the compensation to be paid for the same; and said commissioners, or any two of them that shall make a report in writing, under their hands, of the amount of such appraisement and compensation to be paid, which report, and the said description of lands and materials, the said appraisement and oath of commissioners shall, within ten days thereafter, be filed in the office of the clerk of the county of Ocean to remain of record therein; and the said report, or a certified copy thereof, shall be plenary evidence of the right of said company to have, hold, use, occupy, and possess the said materials, and the right of way over the said lands, and of the right of said owners to recover the amount of such appraisement from said company in an action of debt with costs of suit; if the shares remain unpaid twenty days after demand made, and until such amount be paid, it shall constitute a lien upon the property of the said company in the nature of a judgment, and the said justice of the supreme court shall tax the costs, fees, and expenses of this proceeding to be paid as he shall think just; and in case of the legal incapacity of such owner or owners, the amount of such appraisement shall be paid to the clerk of the court of chancery for the use of such owner or owners, subject to the order of said court.

Commissioners may be appointed.

Duty of.

Report of.

To be filed in county clerk's office.

Justice of supreme court shall tax costs and fees.

13. *And be it enacted*, That either party may appeal from the decision of such commissioners to the circuit court of the county of Ocean, at the next term thereof after such

In case of appeal.

decision, by proceeding in the form of petition to said court with five days' notice to the opposite party of such appeal, which court shall have full power and jurisdiction, by the verdict of a jury, if agreed by either party to hear and finally determine the same, and if the amount of such appraisement be increased, the said company shall pay the costs of said appeal, and if the same be decreased the said owner or owners shall pay said costs, and if need, judgment may be entered in the minutes of said court for the amount of such verdicts, and for the costs of either of them.

Tolls.

14. *And be it enacted*, That whenever one mile of said turnpike road shall be completed, the said company may erect gates and turnpikes across the same, and demand and receive for each mile of said completed road traveled, toll at the following rates, to wit:

For every carriage, sleigh, or sled drawn by one beast, two cents;
For every additional beast, two cents;
For every horse and rider, led horse or mule, two cents;
For every dozen cattle or horses, mules, calves, sheep or hogs, and so in proportion for a greater or less number, ten cents;

and it shall be lawful for any toll-gatherers of said company to stop any vehicle or beast or beasts from passing through any of said gates or turnpikes, until toll as above specified has been paid for them.

Mile stones to be erected.

15. *And be it enacted*, That before the said company shall demand or receive toll, they shall cause a mile stone or post for each mile of said road to be erected and maintained on the side thereof, and on each stone or post shall be fairly and legibly marked on one side the distance from Bricksburg, and on the other, the distance from Point Pleasant, and shall cause to be affixed, and always kept at said gates, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Rates of toll to be posted.

Penalty for injuring.

16. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of said mile stones or posts, or wilfully cut, break down, destroy or deface, or otherwise injure any toll-gate, turnpike or bridge belonging to said road, or shall forcibly pass any of the said gates or turnpikes without having paid the legal toll, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages to be recovered by

action of debt, or other prosecution and costs of suit by the said company for their use; and if any person shall, with his team, carriage, or horse, turn out of said road to pass a gate or turnpike with intent to avoid the toll due, he shall forfeit and pay ten dollars, to be recovered by said company to their use in an action of debt with cost of suit. How enforced.

17. *And be it enacted*, That all persons using said road, shall keep their horses, carriage, sleighs, or sleds of burthen or pleasure, on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for the carriages or persons on horseback to pass; and if any person or persons shall offend against this provision, such person or persons shall, besides being liable for all damages, forfeit and pay to any person or persons injured or obstructed in his passage, five dollars, to be recovered by such person in an action of debt with costs of suit. Vehicles and animals to be kept to the right. Penalty.

18. *And be it enacted*, That all such parts of any public highway as shall be taken for said turnpike road by virtue of this act, shall cease to be a public road or highway so long as the same shall be used for said turnpike road. Highways to cease to be such.

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

Approved March 8, 1871.

CHAPTER CXXXI.

A Supplement to the 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 Assemlby of the State of New Jersey*, That the persons qualified to vote at town meetings shall have full power and authority, and shall be required at their annual meetings in the county of Salem, to elect for each township and city in said county, but one chosen freeholder, instead of two, as now authorized by law. One chosen freeholder to be elected.

Repealer.

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

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

Approved March 8, 1871.

CHAPTER CXXXIII.

An Act to incorporate the West Trenton Horse Railroad Company.

Corporators.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel C. Brown, Augustus G. Richey, Ogden W. Blackfan, Augustus Montgomery, Thomas Janeway, Jacob R. Freese, James Brook, Pliny Fisk and Frederick R. Wilkinson, and such other persons as may be hereafter associated with them, shall be, and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of the "West Trenton Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary or proper for the object of the said corporation.

Title.

Capital stock.

May be increased.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the city of Trenton, and that at the time of subscribing ten per centum shall be paid for each share subscribed for

to the commissioners, or some one of them; and as soon as fifteen thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose seven directors, a majority of whom shall be residents of this State; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting or at the annual electioin 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.

Directors.

How chosen.

Officers.

Vacancies.

President pro tempore.

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

Failure to elect not to dissolve.

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

Power of directors.

upon which default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May build a railroad.

6. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with necessary turn-outs and switches, commencing at the present terminus of the track of the Trenton Horse Railroad Company, in Warren street, through Warren, Bank, Willow, and Higbee streets, Calhoun Lane, Bellevue avenue, Prospect street and Rutherford avenue to the westerly limits of the city of Trenton, and from thence to the Lunatic Asylum; also, to construct a railroad track from the present terminus of the Trenton Horse Railroad track in West State street, up State street to Prospect and Spring streets, through Spring and Prospect streets to Bellevue avenue; *provided*, the said railroad turn-outs and switches shall not be constructed in any of the streets of said city without the consent of the common council of the city of Trenton, being first had and obtained by an ordinance of the common council; and if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in any township in the county of Mercer, the said company shall not lay any rails along such street or highway without first obtaining the consent in writing of the township committee of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Mercer: *provided, however*, that where said railroad shall cross any public street, lane or alley in the said city of Trenton, the said company shall construct their crossings in such manner and under such regulations as the common council of said city shall from time to time direct: *and, provided further*, that in crossing any railroad, public street or highway, in the township of Ewing, in the county of Mercer, the said railroad hereby authorized to be constructed, shall construct their crossings and connections in the best and most approved manner, so as not materially to interfere with or obstruct the travel thereon.

Route of.

Proviso.

Proviso.

Proviso.

7. *And be it enacted*, That the rails used by the said company shall be of the pattern and shape now used by the Fifth and Sixth Street Passenger Railroad Company of the city of Philadelphia or equally approved pattern, which shall, before being laid, be of a pattern and description satisfactory to the street committee: that the track shall be of the same width as the wagon track now established by law, and said tracks and rails shall in all cases be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets, as the same now are or hereafter may be established by the common council, so that said railroad shall not present any obstructions to or in any way interfere with wagons or vehicles turning in or crossing said street; and all damages which may be sustained by the owners of animals and vehicles, and by any other person by reason of the laying, imperfect constructing or maintaining of said railroad, shall be recovered of the said company by the parties aggrieved in any court of competent jurisdiction. Rails, pattern of. Width of track. Grade and surface. Liable for damages.

8. *And be it enacted*, That the said company shall at all times maintain and keep in good repair from curb to curb the street through which said road may pass, and that no damages or other compensation shall be demanded or recovered from said company for the use of said streets or the right of way through the same either by the city or the land owners along said streets, other than the maintenance and repair of said streets as aforesaid. Shall keep streets in order.

9. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any other place or places in the city of Trenton, not exceeding two acres at each place or six acres in the aggregate, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and the principal office of said company shall be kept in the city of Trenton. May hold lands. Principal office.

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

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

Machinery, horses, cars, &c.

saidcorpo ration shall have power to construct or have constructed, or to purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages or other animals or vehicles for the transportation of persons or any species of property on railroads, as they may deem necessary; *provided*, that no steam power shall be used as a motive or propelling power on said railroad: and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they may deem reasonable and proper; *provided*, that not more than five cents per mile for each passenger, and such reasonable rates as shall be fixed by the board of directors for all baggage and other property, shall be demanded or received by the said company, for transporting or conveying the same from any one point to another on said road.

Proviso.

Proviso.

Injuring, penalty for.

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

May connect with other roads and make contracts.

13. *And be it enacted*, That said company shall have power to connect with any other horse railroad now built or that may hereafter be built and established by any company or incorporation, and to make contracts and engagements with them or with individuals, for operating such railroad, upon such terms and conditions as shall be agreed between them, and not inconsistent with their respective charters.

May borrow money.

14. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum: *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this State against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

Approved March 9, 1871.

CHAPTER CXXXIV.

A Supplement to an act entitled "An Act to incorporate the Englewood Dock and Turnpike Company," approved March sixteenth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Englewood Dock and Turnpike Company is hereby authorized to establish, maintain and operate a ferry or ferries, from their dock or docks at or near Englewood, township of Hackensack, and county of Bergen, on the New Jersey shore of the Hudson river to the New York shore on said river, at such point or points as may be convenient and advisable, and for that purpose to construct such slips, piers and bulkheads, with all proper improvements and appliances as may be necessary, keeping within the bulkhead and pier lines established by law. May establish ferries.

2. *And be it enacted*, That the said company may also own and construct proper ferry boats, or cause the same to be constructed and operated, or may charter such boats, from time to time as may be necessary to establish and keep up communication between the piers and slips of said company and the New York shore. May build and own boats.

3. *And be it enacted*, That the said company is hereby authorized to establish and maintain a stage or omnibus and express route, to and from their dock or docks, slips and piers, over their turnpike as built by them, and as connected with Palisade avenue, Englewood aforesaid, to and over said avenue the entire length of the same for the carriage of passengers and freight, and for that purpose may own and construct, purchase or hire such omnibuses, coaches and vehicles as may be necessary, and may own and operate the same with such motive power as may be most expedient, and may own and control all such real and personal property, and do all acts and things as may be necessary to carry out the proper intention of this act. May establish express and omnibus routes.

Fees and tolls.

4. *And be it enacted*, That the said company may make, demand, collect and receive such reasonable and proper fares, tolls, fees and charges, for the carriage and transportation of freight and passengers by their ferry or ferries, and by their stages, omnibuses, coaches, vehicles and expresses, and may make all lawful rules and regulations concerning such carriage and transportation, and the time or times thereof, as from time to time they shall deem expedient to establish.

Special stock.

5. *And be it enacted*, That the said company may issue special stock or stocks to represent any investment or investments made by its stockholders in the stage or omnibus and express enterprise, or in the ferry or ferries enterprise, or in both together, and may designate and regulate the same, by such name or names, or other particulars, as shall distinguish and separate the same from other stock or stocks of said company.

May mortgage property.

6. *And be it enacted*, That the said company may mortgage or pledge its real or personal property for any amount not exceeding two-thirds of the actual value or consideration thereof.

Principal office.

7. *And be it enacted*, That the principal place of business of said company and its principal office shall be at or near Englewood, in the township of Hackensack aforesaid.

May increase capital stock.

8. *And be it enacted*, That the said company may increase its capital stock or stocks not to exceed the amount of one hundred and fifty thousand dollars altogether, by filing a certificate or certificates by the board of directors from time to time of such increase, in the office of the secretary of the State, whereupon the said capital stock or stocks of said company shall be considered as increased to the extent mentioned in such certificate or certificates.

Right of State not impaired.

9. *And be it enacted*, That nothing in this act contained shall impair the right of the State to the land now under water belonging to the State.

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

Approved March 9, 1871.

CHAPTER CXXXV.

A Supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth," approved March fourth, one thousand eight hundred and sixty-three, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the city of Elizabeth, on the application, in writing, of any person owning land fronting on any street or avenue in the said city, laid down on the map filed by the commissioners appointed by the act entitled "An act to appoint commissioners to lay out streets, avenues and squares in the city of Elizabeth," approved March fifteenth, one thousand eight hundred and sixty-seven, or of any person interested in or benefitted by a change in such street or avenue, by a resolution, to vacate, alter, revise or change such street or avenue; *provided however*, that such application shall be made to the said city council on or before the thirty-first day of December, one thousand eight hundred and seventy-one; and also, whenever in the judgment of the said city council they shall deem it desirable by ordinance to lay out and open any street, avenue or public park in the said city, not laid down on the said map, in like manner and with the same effect as if the same had been laid down on said map; *provided*, that nothing herein contained shall in any way alter or change the lines of Jefferson or Washington avenues as defined by the first section of the act entitled "An act supplementary to 'An act to revise and amend the charter of the city of Elizabeth,'" approved April first, eighteen hundred and sixty-nine; *and provided*, that the line of Magnolia street from the New Jersey railroad to Broad street as laid down on the said commissioners map shall not be changed.

May alter street.

Proviso.

Proviso.

2. *And be it enacted* That whenever the city council of the city of Elizabeth shall determine, or shall have determined by ordinance, to lay out and open, or to open any

Commissioners may be appointed peremptorily.

street, avenue or public park, or to alter, widen or straighten any street, road or avenue, or to make any sewer or d ain in any part of the said city, and to take and appropriate for such purpose any lands or real estate; it shall be lawful for the said city council to appoint the commissioners mentioned in the ninety-sixth section of the act to which this is a supplement, without treating or attempting to treat with the owner or owners of such lands and real estate for the same.

Commissioners may be removed.

3. *And be it enacted*, That it shall be lawful for the city council of the city of Elizabeth, in their discretion, to remove any one or more or all of the commissioners appointed under and in pursuance of the ninety-sixth, one hundred and second, one hundred and eighth and one hundred and ninth sections of the act to which this is a supplement, and to appoint other person or persons commissioner or commissioners in the place and stead of the commissioner or commissioners so removed; and the appointment of such commissioners by the city council, shall be construed to be a removal of those previously appointed upon the same improvement, and whenever any certificate or report of estimate or assessment heretofore or hereafter made by commissioners appointed under the provisions of the act to which this is a supplement, shall not have been or shall not be ratified by the said city council, it shall be lawful for the said city council to return or refer the same back to the same commissioners who made the same, or to new commissioners appointed by the said city council, or to any one or more of the same commissioners with such new commissioners as the city council may appoint in the place and instead of any one or more of the said commissioners.

Appointment of others, how construed.

Estimate may be referred back.

Repealer.

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

Approved March 9, 1871.

CHAPTER CXXXVI.

A Supplement to the act entitled "An act to authorize the Inhabitants of the Township of Wayne, in the county of Passaic, to raise poll tax," approved March twenty-eighth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, and is hereby made the duty of the assessor of said township of Wayne, to assess every taxable male inhabitant of said township a poll tax of three dollars yearly; and such tax shall be laid and collected at the time and in the manner that other taxes in said township are assessed and collected. Three dollars poll tax.

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

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

Approved March 9, 1871.

CHAPTER CXXXVII.

A Further Supplement to an act entitled "An act to incorporate the Passaic Mining and Manufacturing Company," approved March eighth, one thousand eight hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the ninth section of the act entitled "An act to amend an act entitled 'An act to incorporate the Passaic Mining and Manufacturing Company,'" approved March eighth, one Act extended.

thousand eight hundred and forty-eight, which act was approved March eighteenth, one thousand eight hundred and fifty-one, for the continuation of the said corporation, be and the same is hereby extended for the term of twenty years from the passage of this supplement.

Name changed.

2. *And be it enacted*, That the name of the said corporation be and the same is hereby changed to the Passaic Zinc Company.

May consolidate stock.

3. *And be it enacted*, That the directors of the said company be and they are hereby authorized and empowered to consolidate the shares of stock of the said company, and for that purpose to call in the present shares of stock of the said company and to issue new stock therefor at the rate of one new share of stock for eight shares of the old stock; the par value of the said consolidated stock to be one hundred dollars.

Repealer.

4. *And be it enacted*, That so much of section second of the "Act to amend an act entitled 'An act to incorporate the Passaic Mining and Manufacturing Company,'" approved March eighth, one thousand eight hundred and forty-eight, which act approved March eighteenth, one thousaid eight hundred and fifty-one, as provides that the majority of the directors and the president of the said company shall be residents of the State of New Jersey, be and the same is hereby repealed.

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

Approved March 9, 1871.

CHAPTER CXXXVIII.

A Supplement to "An act to incorporate the Bloomfield and Orange Horse Car Railway Company," approved April fifteenth, one thousand eight hundred and sixty-eight.

Where may construct railway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the company incorporated by the act to which this is a supplement, may lay out and con-

struct their railway to any point on the Morris and Essex Railroad, in the county of Essex.

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

Approved March 9, 1871.

CHAPTER CXXXIX.

An Act to enable the city of Camden to supply the citizens thereof and inhabitants of the town of Pavonia, in the township of Stockton, with water.

Preamble. WHEREAS, the city of Camden has purchased from The Camden Water Works Company its water works, and all its property, real and personal, together with its appurtenances, and all its rights, privileges and franchises thereunto belonging; therefore,

City of Camden may furnish water. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said city of Camden shall have the exclusive right of furnishing water to the citizens of Camden and the people in the town of Pavonia, in the township of Stockton, in the county of Camden; and to this end the said city of Camden is hereby authorized and empowered to purchase, take, hold, enjoy, convey and dispose of all such real and personal estate as may be necessary therefor; and Powers of. to construct and maintain additional reservoirs, wells, aqueducts, buildings, machinery and appurtenances of every kind that may be necessary and useful for such purpose; and that the said city of Camden shall have full power and authority to lay and relay their water pipes under any of the streets of said city, or under any of the public roads and highways leading from the town of Pavonia, and through the streets of Pavonia aforesaid; and also to lay and conduct their said pipes across Cooper's Creek; *provided, always,* Proviso. the same shall not in any way interfere with or obstruct the navigation of said creek; *and provided, also,* that no private property shall be taken, occupied or used by said city of Camden without the consent of the owner thereof shall be first had and obtained.

May sell and rent water.

2. *And be it enacted*, That the said city of Camden may sell and dispose of the water so procured by it upon such conditions and for such rents as the city council of said city, or the persons or officers, or committee authorized by said city council, may, from time to time, prescribe; and that such rents shall draw interest at the rate of twelve per centum per annum from and after the time when they shall become due.

Interest on rents.

Officers of water works.

3. *And be it enacted*, That it shall be lawful for the city council of the city of Camden to elect or appoint any and all officers, agents, engineers, employees or committeemen, that they may deem necessary to be employed in and about the water works of said city, to define their duties, regulate their compensation, and provide for their removal; and that the said officers, engineers, agents, employees or committeemen so appointed or elected as aforesaid, by said city council, are hereby authorized and directed, at all reasonable hours, to enter any dwelling or other place where the water so furnished by said city of Camden is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said officers, engineers, agents, employees or committeemen shall have full power to examine all service pipes, stopcocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor: and if any person or persons shall refuse to permit such examinations, or oppose or obstruct any such officers, engineers, agent, employee or committeemen, in performance of such duty, he, she or they so offending shall have the supply of water shut off until the required examination is made, and such alterations and repairs as may be found necessary shall be completed.

Powers of.

Penalty for interfering with.

Pipes may be laid.

4. *And be it enacted*, That whenever said city council shall deem it expedient that a water pipe or pipes shall be laid in any of the streets of the said city of Camden, they shall cause the same to be laid, and the owners of the ground in front whereof the same shall be laid, shall pay for the expense thereof the sum of seventy-five cents for each foot of their ground upon such street; and when so done they shall cause a particular statement and account of such expense to be filed with the clerk of said city, and such

Expense, how paid.

expense shall be and remain a lien upon the ground from the time of performing said work until paid and satisfied; *provided*, that the expense of laying such pipes along the intersection of any street, road, lane or alley, and erecting the necessary number of fire plugs, and for the repairs thereof, shall be provided for and paid in such manner, and be fixed by said city council, and paid for out of any moneys in the hands of the treasurer of said city not otherwise appropriated; *and provided, also*, that in making the statement and account of such expense, an allowance not exceeding one hundred feet on the longest front, shall be made on all corner lots until such front shall be used as main building fronts, and the expense for such allowance shall be provided for and paid in the same manner that fire plugs and pipes laid in the intersections are. Proviso. Proviso.

5. *And be it enacted*, That the said city council may order the whole or any part of said expenses to be paid out of any moneys in the hands of the treasurer of said city, and after such payment, may collect the same, with interest and costs, from the owners, and lands so liable in the same manner as the costs and expenses of grading, paving and curbing the streets, are authorized by law to be collected by said city of Camden. Expense may be paid out of city treasury.

6. *And be it enacted*, That the city council of the city of Camden, be and they are hereby authorized and empowered by ordinance, to charge the owners of any and every building erected along the line of any street in the city of Camden and the town of Pavonia, in the township of Stockton, in which any water pipe is laid, or shall hereafter be laid, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner herein provided for, for the collection of water rents. Rate of rent.

7. *And be it enacted*, That the said city council be and they are hereby authorized to borrow any sum not exceeding three hundred thousand dollars, for enlarging and improving the water works of said city, and laying pipes and mains in the streets of said city, and to and from the reservoir or reservoirs of said works, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing lawful interest per annum, in such amounts, and payable at May borrow money and issue bonds.

New Jersey State Library

such times, as shall be fixed by the said city council of said city; *provided*, that the moneys hereby authorized to be borrowed shall be in addition to the moneys authorized to be borrowed by the charter of said city.

Proviso.

Regulations.

8. *And be it enacted*, That the said city council of the said city of Camden shall have power and they are hereby authorized to make, ordain and establish all such ordinances, resolutions and regulations as said city council may deem necessary and proper for the distribution, supply, use and protection of the said water, and the safety, security and protection of the said water works and appurtenances thereto, and for the collection of water rents.

Rents, how collected.

9. *And be it enacted*, That all water rents now due or hereafter to become due to said city of Camden, may be collected and recovered in the name of the treasurer of said city of Camden, in an action of debt, or on the case, before any court of competent jurisdiction, against any person chargeable therewith; and in case of the non-payment of said water rent it shall be lawful for said city council to cause the supply of said water to be stopped.

Penalty for non-payment.

Penalty for injuring works or apparatus.

10. *And be it enacted*, That if any person shall wilfully do or cause to be done, any act or acts whatsoever to injure any engine, machine, reservoir, pipe, fire plug, hydrant or structure whatsoever, or anything appertaining to the works of said city, or whereby the same may be obstructed, stopped or injured, or shall wilfully or maliciously draw off or waste the water from any fire plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit; and the said city of Camden is hereby authorized to bring an action and recover for damages by civil suit for any such injury aforesaid, in the name of the treasurer of said city, in any court in this State having cognizance of the same.

Proviso.

Penalty for polluting water.

11. *And be it enacted*, That if any person or persons shall wilfully pollute or adulterate the water in any reservoir, aqueduct, conduit or raceway erected, built, or laid down under the provisions of this act, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hun-

dred dollars, or by imprisonment not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

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

Approved March 9, 1871.

CHAPTER CXL.

A Further Supplement to the act entitled "An act to incorporate the Acquackanonk Water Company," approved April ninth, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said company be and the same is hereby increased to a sum not exceeding two hundred thousand dollars. Capital stock increased.

2. *And be it enacted*, That it shall be lawful for the said "The Acquackanonk Water Company," from time to time, to borrow such sum or sums of money as may be necessary to construct and complete the works of said company, with the appendages thereto, authorized by the act to which this act is a supplement, and to issue their bonds at seven per cent. per annum interest, and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is granted to said company to pledge or hypothecate by way of mortgage, trust or otherwise, the whole or any part of the works of said company now or hereafter to be owned by said company, together with all the privileges, and appendages, and appurtenances of the said water company, and also all the franchises and chartered rights of said company, and such pledges, hypothecation, trust, and bond and mortgage shall be valid in law for securing the payment of any sum or sums of money 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 money so borrowed and secured, the person or persons body politic or corporate, their legal representatives, successors or assigns claiming under such

May borrow money and issue bonds.

May mortgage property.

In default of payment title may pass.

pledge, hypothecation, bond, mortgage or trust may, by due process of law, acquire the title to have, hold, use, occupy and enjoy the said water works and appendages, 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 to take and secure the tolls, rents, issues, profits and advantages thereof during the whole residue of the term for which said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company would 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 the supplement thereto; and any deed by which any pledge, hypothecation or trust shall be created by virtue of this act shall be entered on record in the clerk's office for the county of Passaic, the same having been first acknowledged or proved according to law.

Rights of successors.

Time extended.

3. *And be it enacted*, That the time limited in the eleventh section of the act to which this is a supplement, providing for the time within which the construction of the works authorized by said act shall be commenced, is hereby extended for the space of two years from the date of the passage of this act.

Approved March 9, 1871.

CHAPTER CXLI.

An Act to incorporate St. Michael's Hospital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Right Reverend James Roosevelt Bayley, the Very Reverend Michael A. Corrigan, the Reverend George H. Doane, the Reverend Thomas M. Killeen, the Reverend Roman Hill, the Reverend Benedict Prieth, and the Reverend James F. Dalton, and their associates, shall be, and they and their successors are hereby constituted a body corporate and politic, by the name of "St. Michael's Hospital," for the purpose of establishing and

Corporators.

Title.

maintaining a hospital in the city of Newark, and by that name shall have perpetual succession, shall be capable in law of suing and being sued, and of acquiring by gift and receiving property by gift, devise, bequest, or otherwise, for the purposes of the corporation and of holding and conveying the same; *provided*, that the clear yearly income of such property over and above the annual expenditures of the corporation shall not in any one year exceed five thousand dollars. Powers. Proviso.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of directors, to be composed of the Roman Catholic bishop and vicar general, for the time being, of the diocese of Newark, the parish priest, for the time being, of each of the Roman Catholic parishes of said city of Newark, and the senior lay members for the time being, of the board of trustees of the parish church of each of said parishes; four members of the board shall be a quorum for the transaction of business. Directors. Quorum.

3. *And be it enacted*, That the board of directors shall elect from their own number a vice president, secretary and treasurer, who shall hold their offices one year, and until other officers are elected in their stead; and the board shall have power to appoint such physicians and other officers as the demands and purposes of the corporation may require; the said bishop shall be ex-officio president of the board, and in his absence, or in case of a vacancy in the office of bishop of said diocese, the vice president shall be president. Officers. Term of office of. Bishop, president ex-officio.

4. *And be it enacted*, That said board of directors shall have power and authority to make, establish and ordain, from time to time, such by-laws, ordinances and regulations as they may deem necessary or proper for the efficient and proper government of said corporation and the conduct of its affairs. By-laws.

5. *And be it enacted*, That the property and effects of said corporation, held by it for the purposes of said corporation, shall not be liable or subject to the imposition of any tax or assessment. Exempt from tax.

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

Approved March 9, 1871.

CHAPTER CXLII.

A Further Supplement to the act entitled "An act to incorporate the East Newark Gas Light Company," approved March twenty-eighth, one thousand eight hundred and sixty-two.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said company may be increased by the directors thereof to one hundred and fifty thousand dollars, in shares of twenty-five dollars each.

Directors.

2. *And be it enacted*, That any stockholder who shall receive a majority of votes as provided in the fourth section of the act to which this is a supplement, shall be qualified to act as a director; *provided*, four at least shall be residents of the State of New Jersey.

Proviso.

Act in force for thirty years.

3. *And be it enacted*, That this act and the act to which it is a supplement, shall continue in force for thirty years from the passage of this act, and this act shall take effect immediately.

Approved March 9, 1871.

CHAPTER CXLIII.

An Act to incorporate the New Jersey and Delaware Ferry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin M. Turner, Charles K. Landis, John L. Burke, Willis T. Virgil, William A. House and C. B. Campbell, and such other persons as may become associated with them by becoming stockholders as herein provided, and their successors and assigns are hereby

created a body corporate and politic, in fact and in law, by the name, style and title of "The New Jersey and Delaware Ferry Company," for the purpose of establishing, maintaining and operating a steamboat ferry between some suitable point near the mouth of Stow Creek, in the township of Greenwich, county of Cumberland, State of New Jersey, and some suitable point near the mouth of Duck Creek, or on Bombay Hook Island, in the State of Delaware, with power to build boats, vessels, wharves, piers, bulkheads and all other improvements necessary to carry out the objects of this corporation, and they and their successors and assigns in their corporate name, shall be and are hereby empowered to have, purchase, receive, lease, hold and enjoy all such real and personal estate and property as may be necessary and useful for the purposes of said ferry, and the same to grant, demise, alien, pledge, convey, lease and dispose of, and to have and enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies for the purposes of this act; and shall have power at any time during the continuance of its charter to make contracts and engagements with any other corporation, or with individuals, for transporting, or carrying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract; *provided*, that nothing in this act shall affect the rights of this State to lands lying under water.

Title.

Objects.

Powers.

Proviso.

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

Capital stock.

3. *And be it enacted*, That the corporators named in this act, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, and as soon as ten thousand dollars of the capital stock shall be subscribed, such commissioners, or a majority of them, shall give notice to said subscribers of the time and place of meeting, to choose five directors of said company, a majority of whom shall be residents of this State, and such election shall be held at the time and place so appointed, by such of the subscribers to said capital stock as may attend in person or by proxy, each share of said stock subscribed for entitling the subscriber thereof to one vote; at such election the herein

When may organize.

Directors.

Elections.

named corporators, or any two of them appointed for that purpose, shall act as inspectors thereof, and shall certify under their hands the names of the persons who may be elected, and shall thereupon deliver over to the persons so elected the subscription books, and such moneys as may have been received by them.

Officers.

4. *And be it enacted*, That the directors chosen at such meeting and at the annual election of said corporation, shall as soon as may be after every such election, choose out of their own number a president, who shall hold his office until a successor shall be elected, and in case of death, removal, resignation or disqualification of any director, the vacancy may be filled by said board of directors; the said board of directors shall also have power to appoint a treasurer, secretary, and such other officers and agents as they may deem necessary for carrying on the business of said company.

Vacancies.

Failure to hold election shall not dissolve.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not take place at the time when by this act it should be held, the said company shall not for that cause be deemed dissolved, but such election shall be held at such other time as the directors for the time being shall appoint; and such directors for the time being shall continue to hold their office until new ones shall be chosen in their place.

Election, notice to be given.

6. *And be it enacted*, That the elections for directors shall be held at such times and places as the board of directors shall from time to time direct, of which election public notice shall be given for at least ten days, in some newspaper published in the county of Cumberland; a majority of said directors shall be a quorum to transact all business of said corporation, and they 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 nonpayment of said instalments or any of them, to forfeit the share or shares on which such default shall arise, to and for the use of the corporation, and also to make and prescribe such by-laws, rules and regulations as to them shall seem needful and proper, touching the management of the stock, property, estate and effects of said corporation.

Quorum.

Stock may be forfeited.

Principal office.

7. *And be it enacted*, That the principal office of the said company shall be in the county of Cumberland, and that regular books of account shall be kept in said office, to which books of account any stockholder may have free

Books of account and transfer.

access at all reasonable times, for the purpose of inspection, and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

Subscriptions, how may be paid.

8. *And be it enacted*, That the said company shall have power to issue stock for, or take in payment of subscriptions, any personal or real property required to be used for and in conducting of the business of the said company, and that no dividends shall be declared except as the by-laws of said company may direct and said corporation may issue stock in payment of any debt of said company, and that any railroad company may subscribe to the stock of said corporation.

Penalty for injuring property of.

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct the wharves, slips, bridges, piers, boats, buildings, fences, gates, or any other of the works, engines or machinery of said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace in this State, and shall also be liable in addition to the above penalty to double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

May borrow money.

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

Proviso.

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

Approved March 9, 1871.

CHAPTER CXLIV.

A Supplement to the act entitled "An Act to incorporate the Jersey City Gas Light Company," approved March first, one thousand eight hundred and forty-nine.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Jersey City and Hoboken Gas Light Company shall be changed to "The Jersey City Gas Light Company," being the name by which it was originally incorporated, and that the directors of said company shall have power to increase, from time to time, its capital stock to an amount not exceeding one million of dollars, as it may appear to them to be required for the improvement and extension of the works of the company.

May increase capital stock.

Approved March 9, 1871.

CHAPTER CXLV.

An Act to incorporate the American Mechanics Hall Association, of Camden, New Jersey.

Corporators.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abner Sparks, John J. Kaighn, William Wiatt, Joseph H. Shinn, James H. Kerens, William H. Schwaab, Aaron Ward, David Peterson, R. M. Hilman, William A. Chase, William T. Sloan, C. H. Scout, George W. Kelly, William T. Mead, John Quick, Josiah Jones, Nathan C. Stowell, Jonathan Adams, C. H. Sharp, E. D. High, their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby incorporated and made a body politic and corporate,

Title.

in fact and in law, by the name, style and title of "The Camden American Mechanics Hall Association," and by that

name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity or elsewhere, and shall be able and capable in law or in equity to take and hold to them and their successors, either by grant, gift, devise or lease, any land or real estate for the purpose of owning a suitable building or buildings, in the city of Camden, either now built or hereafter to be built upon such land, and for the transaction of such business as may be connected with erecting buildings, conducting, leasing or otherwise disposing of the building or buildings now built or hereafter to be built upon such lands; and also to take and hold any goods and chattels, sum or sums of money which may be required for the purposes of said corporation, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons capable of making the same, and to grant, bargain, sell, mortgage and dispose of the same for the use of said corporation, and generally to do all and singular such matters and things as may be necessary for the well being and proper management of the affairs of said corporation, not contrary to the laws of this State, or of the United States; and they shall have power to raise by subscription from such persons, corporations or associations, as the said corporation may by their by-laws direct and limit, a capital not exceeding the sum of twenty thousand dollars, divided into shares of ten dollars, to be applied to the purchase, repair or erection of a building suitable for the purposes of said association. Powers and privileges. Capital stock. How applied.

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

3. *And be it enacted*, That the government of the said corporation and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be annually elected at such times and in such manner as the said corporation by its by-laws shall provide; at the first meeting of the trustees, after their election in each year, they shall select from among themselves a president, vice president, secretary and treasurer. Trustees. Officers

4. *And be it enacted*, That the real estate now held by said corporation, on the southwest corner of Fourth and Spruce streets, in the city of Camden, shall be exempt from State and municipal taxation, whilst owned and held by Real estate exempt from taxation.

said corporation, and used for charitable and benevolent purposes.

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

Approved March 9, 1871.

CHAPTER CXLVI.

A Supplement to "An Act to incorporate the New Jersey Plate Glass Insurance Company," approved April twenty-first, eighteen hundred and sixty-eight.

Number of directors may increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said New Jersey Plate Glass Insurance Company shall have power to increase the number of their directors to not less than nine, nor more than fifteen.

May issue fire insurance.

2. *And be it enacted*, That it shall and may be lawful for the said company to insure property against loss or damage by fire upon such terms and conditions as shall be contained in the policy of insurance, and to cause themselves to be re-insured when deemed expedient; *provided, however*, that before the said company shall begin business under this section fifty thousand dollars of their capital stock shall have been subscribed and paid in, in cash; and that this act shall take effect immediately.

Proviso.

Approved March 9, 1871.

CHAPTER CXLVII.

An Act to incorporate the Hamilton Market Company of the city of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Smith, Albert A. Hopper, Absalom B. Woodruff, David B. Grant, John Hopper, William I. Healey, Robert S. Hughes, Benjamin Buck-

ley and James Jackson, and the survivors of them, and their associates, be and are hereby created a body corporate, in fact and in law, by the name of "The Hamilton Market Company," and by that name shall have continued succession, and have power and authority to purchase or lease, hold, mortgage and convey any real estate in the city of Paterson, and erect thereon a market house or market houses, for the sale of country produce, and all other articles and commodities therein, and in such house and houses to make and erect stalls, stands and other conveniences for the sale of such produce, articles and commodities, and to lease and contract for the use of the same, upon such terms and for such rent as may be agreed upon, and shall have such other powers as may be necessary to carry into effect the object of this act. Title. Powers.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with power to increase the same from time to time as the directors may elect, to any sum not exceeding two hundred thousand dollars; that the persons named in the first section of this act, may open books of subscription and receive subscriptions to such capital stock, at such time or times, and in such manner, and to such extent not exceeding the amount herein authorized, as they shall deem proper; any real estate or other property necessary or proper for the use of said company, may be received in payment of subscriptions for such stock, at such valuation as the said persons or the directors of said company, or a majority of them shall approve; and whenever the said capital stock shall be paid, or secured to be paid, to the extent called for, the said company may commence business. Capital stock. Books of subscription. When may begin business.

3. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of not less than five nor more than nine directors, being stockholders, one of whom shall be president, to be appointed by the directors; after the first election to be held under this act, the directors shall hold their office for one year and until others shall be elected in their stead; the directors shall be chosen annually on the second Monday of January, or on such other day, and at such place in the city of Paterson, as the directors shall by their by-laws or otherwise, from time to time appoint, upon at least ten days' previous notice of such time and place being published in one or Directors. First election. Notice to be given.

more of the newspapers of said city, by such of the stockholders as shall attend for the purpose, either in person or by proxy, each share of stock being entitled to one vote;

Officers. the directors may appoint such officers, superintendents, clerks and agents, and fix their compensation as a majority of them shall determine, and if any vacancy by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors or a majority of

First directors. them; and the said Samuel Smith, Albert A. Hopper, Absalom B. Woodruff, David B. Grant, John Hopper, William I. Healey, Robert S. Hughes, Benjamin Buckley and James Jackson, shall be the first directors of said company, and shall serve as such until their successors are legally chosen at an annual election as herein provided.

Payment of capital stock. 4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall

May be forfeited. deem proper; and if default be made in payment of such subscriptions as the same shall be called in, for thirty days after demand thereof by service of notice upon the subscribers requiring such payment, or by publication thereof in one or more of the newspapers of the city of Paterson, the directors may also forfeit the shares so in default with all previous payments made thereon.

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

Quorum. 6. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish and put into execution, such by-laws, ordinances and regulations, as they shall deem proper for the government, management and disposition of the stock, effects, profits and

Proviso. concerns of the said corporation; *provided*, that the same be not contrary to the constitution and laws of this State, or of the United States.

Stock personal property. 7. *And be it enacted*, That the stock and property of the said corporation, of whatever name or kind, shall be deemed

personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of stock shall be valid until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose, and no dividends shall be declared except out of the net profits of the corporation. How transferred.

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

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

Approved March 9, 1871.

CHAPTER CXLVIII.

A Further Supplement to the act entitled "An act to incorporate Gloucester city, Camden county, New Jersey."

Common councilmen.

Term of office of.

Number changed.

Vacancies, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next charter election held in Gloucester city, after the passage of this act, there shall be elected, by the qualified voters in said Gloucester city, three common councilmen, who shall serve for one year, three who shall serve for two years, and three who shall serve for three years; who shall be designated upon the ballots accordingly, instead of six councilmen as heretofore; and at every subsequent annual election, three common councilmen shall be elected for the full term of three years, in the place of those whose terms expire; and in case any person during the term for which he shall have been elected as aforesaid, shall die, or if any person elected as aforesaid, shall refuse to serve as a member of the common council of said city, or shall remove from said city, the office of such person so dying, refusing to serve, or removing from said city, shall, from the time of such death, refusal to serve, or removal from said city, be deemed to be vacant and it shall be lawful for the qualified voters of said city, at the next annual election thereafter, to elect some person for the unexpired term of such person so dying, refusing to serve, or removing from said city.

President.

Duties of.

President pro tempore.

2. *And be it enacted*, That at the first regular meeting of the common council, elected in pursuance of this act, they shall elect one of their number as president, who shall preside at all meetings of said common council, enforce all by-laws for the government of council, and attest by his signature all ordinances, passed by said common council, and all resolutions directing the payment of any money out of the city treasury, and all contracts entered into by said city, before they are presented to the mayor for his approval, as hereinafter provided; and in case of the absence of said president, it shall be lawful for said common council to appoint a president pro tempore, who shall, for the time

being, be clothed with the same authority and discharge the same duties as the president of council.

Mayor. Term of office of. Duties and powers. Salary.

3. *And be it enacted*, That the mayor of said city shall be elected for one year, and shall hereafter have charge of all persons appointed, or elected to perform police duty in said city; he shall have the custody of the seal of said city, and shall affix the same to all contracts entered into by said city after the same shall have been approved of by him; it shall be the duty of the mayor of said city, at least once in every month, to render an account to the treasurer of said city, of all fines collected or received by him, for the use of said city, and at the time of accounting therefor, to pay the same to said treasurer for the use of said city; and the mayor of said city shall receive for his services as mayor, an annual salary of one hundred and fifty dollars, to be paid to him quarterly by the treasurer of said city, upon warrants drawn by him upon said treasurer therefor.

Ordinances to be presented to him. In case of veto, how passed. Proviso.

4. *And be it enacted*, That it shall be the duty of the common council of said city to present to the mayor of said city, for his examination and approval, all ordinances passed by them, all resolutions directing the payment of any money out of the city treasury, and all contracts to be entered into by said city, and no contract, ordinance, or resolutions directing the payment of money out of the city treasury, shall take effect (except as hereinafter stated), until the same shall have been first returned by the mayor of said city to the common council, at the next regular meeting after the same shall have been presented to the mayor, with his approval endorsed thereon in writing, and attested by his signature; and in case the mayor shall disapprove the same, he shall make report thereof in writing to the common council at the next regular meeting, stating his reasons therefore; and in case of such disapproval, such ordinance, resolution or contract so disapproved of, shall not take effect unless the same be afterward passed or adopted by a vote of two-thirds of all the members of the common council; *provided*, that if any such ordinance, resolution or contract be not returned by the mayor to said common council at its next regular meeting, with his disapproval thereof as aforesaid, such ordinance, resolution or contract shall, from and after that time, have the same force and effect as if the same had been approved by said mayor.

Meetings of council.

5. *And be it enacted*, That the common council of said Gloucester City shall hold one meeting on the first Thursday evening in each and every month, which meeting so held, and no other, shall be deemed, taken and considered as a regular meeting of council, and all other meetings of said council shall be considered special meetings, and no special meeting shall be held except the same shall be called by the president of council, upon application in writing, signed by at least three members of said common council and addressed to said president, which application shall state the object of such special meeting, and the business to be brought before the same; and upon such application, in writing, being made to the president of council, as aforesaid, it shall be the duty of said president to cause notices in writing thereof, and of the object of such special meeting, and of the time and place when and where the same is to be held, to be served on each member of said common council, either personally, or by leaving the same at his residence, at least five entire days before the time fixed for the assembling of the common council in such special meeting; and at such special meeting no business shall be introduced, acted upon, or disposed of, other than that specified in such application and notices in writing; *provided*, that nothing herein contained shall be so construed as to prevent said common council from adjourning over, at any regular meeting, for the purpose of disposing of any unfinished business, which shall have been introduced at such regular meeting, and not disposed of thereat.

Special meetings

Proviso.

Special constable.

6. *And be it enacted*, That the common council of said Gloucester City shall have authority to appoint annually a special constable, to collect the taxes assessed and levied in said city, to whom the tax warrant required by the eighteenth section of the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, shall be directed and delivered, and who, after giving bond, with security as said common council shall direct and approve of, shall be authorized to perform the duties required to be done in and by said act aforesaid, as fully as a constable elected at the annual election.

Duties of.

Shall give bond,

Repealer.

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

Approved March 9, 1871.

CHAPTER CXLIX.

An Act to authorize The Passaic Turnpike Company, to sell a portion of their turnpike road.

Preamble.

WHEREAS, The Passaic Turnpike Company have contracted with the mayor and aldermen of the city of Paterson, to sell and transfer to the said the mayor and aldermen of the city of Paterson, all the estate, right, title and interest of the said The Passaic Turnpike Company, in and to that portion of their turnpike road which lies between Market street, formerly Congress street, in the city of Paterson, and the line dividing the said city of Paterson from the township of Little Falls, and certain doubts exist as to the power of the said The Passaic Turnpike Company to make such sale and transfer, and of the said the mayor and aldermen of the city of Paterson to make such purchase; now therefore,

May transfer property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said The Passaic Turnpike Company, be and they are hereby authorized to make such sale and transfer, and that the said the mayor and aldermen of the city of Paterson, be and they are hereby authorized to make such purchase, and to give in payment or part payment for the same, any description of bonds authorized by the act entitled "An act for the further revising and amending the act to incorporate the city of Paterson," approved March twenty-fifth, one thousand eight hundred and sixty-nine, which the said The Passaic Turnpike Company may agree to receive.

Shall not be liable.

2. *And be it enacted*, That after such sale and transfer shall be made, the said The Passaic Turnpike Company shall not be liable for any damages or costs which may then arise from any want of repairs in said portion of said turnpike road, and said portion of said turnpike road shall be and continue a public highway, free and clear of any and all gates and turnpikes across the same, and of any and all tolls for traveling upon or using the same, or for any purpose whatsoever.

Repealer.

3. *And be it enacted*, That all acts and parts of acts heretofore passed, so far as the same are inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1871.

CHAPTER CL.

An Act to incorporate the Metuchen Gas Light Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas W. Strong, John Hampton, Manning Daniels, Nathan Robins, John M. Board, Newman A. Wood and Albert L. Runyon, and all and every person or persons who may become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, in fact and in law, by the name of the "Metuchen Gas Light Company," and by the said name said corporation shall have power to sue and be sued, plead and to be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other material, for the purpose of lighting roads, streets, buildings, manufactories and public grounds within the limits of the township of Raritan, in the county of Middlesex; and that under and by the aforesaid corporate name and style, the said corporation shall have perpetual succession, and shall have power and authority to enter into and execute any and all contracts, agreements, undertakings and covenants for the furtherance of the objects for which said corporation was created, with power and right to enforce the same in all proper ways and manners under the laws of this State; and shall be capable of purchasing, taking and holding any estate, real or personal, and necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary to acquire and hold for the purpose of securing debts which have become due to it in the regular business of said corporation; and also to purchase and hold

Title.

Powers.

any and all patents and patent rights necessary for the purpose of carrying out the object and intent for which such corporation is created.

Privileges.

2. *And be it enacted*, That the said corporation shall be, and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the laying down gas pipes and conductors, and to erect all necessary posts, burners, lights and reflectors, in any and all of the roads, streets, highways and public grounds in the said township of Raritan, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings and stores and other buildings in said township; *provided*, that the public travel shall not at any time be unreasonably and unnecessarily obstructed or impeded thereby; and the said corporation shall put and leave such streets, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of said pipes and the erection of said posts.

Proviso.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property, and transferable on the books of the said corporation as the said company shall by their by-laws direct.

When may begin business.

4. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and at such place or places in the said township of Raritan, as they, or a majority of them, may think proper, and whenever five thousand dollars of the capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall and may be lawful for the said corporation to commence business; and the above named persons, or a majority of them, may then give notice of a meeting of the stockholders to choose five directors, who shall be stockholders in their own right and name, and all of whom shall be residents of this State, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or a majority of them, shall be inspectors of the first election of directors for

Directors.

said corporation, and shall certify under their hands the names of the persons elected, and thereupon deliver the subscription books to the said directors; said directors shall hold their office for one year, and until others are elected in their stead, and shall fix the time and place of holding the annual meetings for the election of directors, and the directors chosen at any such meeting, shall as soon as may be thereafter, choose out of their own number a president, and in case of the death or resignation of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year by a majority vote of said board, and in case of the absence of the president, the said board, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said corporation shall provide.

Term of office of.

Officers.

Vacancies.

Failure to elect shall not dissolve

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

Directors, powers of.

6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business, and shall have power to call in the capital stock of said company in such instalments, and at such times as they may direct, not exceeding ten per centum at any one time, and not less than thirty days after the previous instalment, and in case of non-payment of such instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; also to make and provide such by-laws, rules and regulations as to them shall appear needful, touching the management of the stock, property, estate and effects of said corporation; and further, shall have power to elect or appoint as many officers, superintendents, agents, clerks and servants as to them shall seem meet; and to establish and fix their salaries, and that of the president, and have full power and authority from time to time to open the books for further subscriptions until the whole capital stock is taken.

Stock may be forfeited.

Agents, &c.

Salaries.

Penalty for injuring property.

7. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipe, gasometer, or other thing appertaining to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding two hundred dollars, or imprisonment

not exceeding one year, or both; *provided*, no such criminal prosecution shall impair the right of the company for damages by a civil suit. Proviso.

8. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary or expedient, and to mortgage their property and franchises, or otherwise to secure the payment thereof, and to execute all necessary securities therefor, with interest thereon not exceeding seven per centum per annum, and to sell and dispose of any bonds, obligations or assurances which they may issue to secure the payment of the money so borrowed as aforesaid, at any rate of price they may be able to obtain for the same, without said obligations being in any way invalidated thereby. May borrow money. Issue bonds.

9. *And be it enacted*, That the said company shall cause to be kept at their office, in the said township of Raritan, proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all reasonable times to the inspection of the stockholders. Books of accounts.

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

Approved March 9, 1871.

CHAPTER CLI.

An Act to incorporate the Millville Glass and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Furman L. Mulford, George B. Cooper, Charles G. Leake, Isaac B. Mulford, and such other persons as may be associated with them, and their successors, are hereby created and declared to be a body politic and corporate in law, by the name and title of "The Millville Glass and Manufacturing Company," and by that name shall have perpetual succession, and all the privileges and franchises belonging or incident to a corporation. Corporators. Title.

2. *And be it enacted*, That the whole amount of the capital

Capital stock.

stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be personal property, and be transferable on the books of the company.

Subscriptions to capital stock.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time, and place or places, in this State, and upon such notice as they shall direct, and at the time of subscribing for said stock, such amount on each share subscribed shall be paid, satisfied, or satisfactorily secured to said commissioners, as they or a majority of them shall determine, and the residue of the subscription shall be paid, satisfied or secured, as the directors may determine, in such instalments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time direct, giving notice of such time and place, and person or persons, by notices published in a newspaper printed and circulated in the city of Millville, for two weeks, at least once in each week, and upon the failure of any person to pay, satisfy, or secure the payment of the instalments or any of them as aforesaid, the said

May be forfeited.

directors shall have power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of said company; and any shares of stock so forfeited as aforesaid, may be held by the said company, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company, as said directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed; and any land, property or materials used in the business of the said company, received in payment or satisfaction of subscriptions for stock, shall be taken at a valuation approved by a majority of the stockholders.

When may begin business.

4. *And be it enacted*, That the said corporation shall go into operation whenever twenty thousand dollars of the capital stock shall be subscribed, and the balance of the capital stock as fixed by this act, may be subscribed and paid in and satisfied at such times thereafter, and in such manner as the directors of the said company may determine and

direct; and whenever the said sum of twenty thousand dollars of the said capital stock shall have been subscribed as aforesaid, the commissioners, or a majority of them, shall, as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place as they may designate, to choose not less than three nor more than nine directors, who shall hold their office for one year, and until others are duly elected; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall hold his office for one year, and until his successor is duly appointed, and in case of the death, resignation or other incapacity of the president or any director, such vacancy may be filled by the board of directors for the remainder of the then current year.

Directors.

President.

Vacancies.

5. *And be it enacted*, That the said company shall be and are hereby authorized and empowered to establish and carry on in the city of Millville or elsewhere, in the county of Cumberland, the manufacture of glass and paper, in all its forms, from all materials from which it can be made, and such other business and manufactures as may be necessary or convenient in the development, use and employment of the real estate and property of said company; and to vend the products and results thereof; and to manufacture all materials, products and machinery, and purchase, rent, erect, build, hold, use and enjoy, grant, lease, mortgage and convey, all such land, mills, buildings, machinery and other real and personal property, which they may deem useful or convenient in the carrying on of their business and manufactures.

Objects and powers.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint from their own number or otherwise, a treasurer and secretary, and such other officers and agents of the board and of the company as they may deem necessary, and to fix their salaries, and to make and establish such by-laws, not inconsistent with the provisions of this act, as they may think proper, for regulating the issue

Officers.

By-laws.

and transfer of stock, and for the general government and management of the affairs, manufactures and business of the company.

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

Approved March 9, 1871.

CHAPTER CLII.

An Act to incorporate the Liquid Fuel Company of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Hopewell, John K. Wallace, William Curtiss, George Frederick Keene and John B. Hopewell, and such other persons as may associate with them, shall be and they are hereby declared to be a body corporate and politic in fact and in name, by the style and title of "The Liquid Fuel Company of New Jersey," and by that name shall be capable of suing and being sued, and shall possess, generally, the powers and privileges of a corporation.

Title.

Objects and powers.

2. *And be it enacted*, That the said corporation shall have power to manufacture, or purchase and sell, apparatus or machinery for the production of liquid fuel or gas from petroleum, and to purchase and sell letters patent of the United States, relating to the production of liquid fuel or gas from petroleum, and rights and licenses under the same, and to hold all such property, real and personal, as the needs of the business of said company shall require, wherever their said business shall be carried on, and to dispose of the same at their pleasure; and that their principal office be located in the city of Camden.

Capital stock.

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

May be increased.

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

tions to said capital stock, at such times and places as they shall appoint, giving five days' notice of such time and place in one or more newspapers published in the city of Camden; and when two hundred shares of said stock shall have been subscribed for, and five dollars on each share so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to such stock, for the purpose of organizing the company by the election of directors; and when the board of directors is organized by the appointment of a president and other proper officers, the commissioners shall deliver to such president all moneys, papers and property in their possession, and relating to said company; and if the subscribers to said stock fail to elect directors, as herein provided, the persons above named shall be directors for one year, and until others are lawfully chosen.

When may organize.

First directors.

Directors,

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

Officers.

Term of office of.

Subscriptions, how paid.

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

Stock may be forfeited.

For what purpose may be issued.

7. *And be it enacted*, That the said company shall have power to issue stock to subscribers and others, in payment or in exchange for any property, real or personal, or for any letters patent, or rights or licenses, under the same, whenever the same may be required or proper to be used in conducting the business of said company, and to receive the

same in payment of subscriptions to the stock; that the stock shall be transferable in such manner as the by-laws shall direct.

When may begin business.

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

Term of act.

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

Approved March 14, 1871.

CHAPTER CLIII.

A Further Supplement to "An Act to incorporate a company to form an artificial navigation between the Passaic and Delaware Rivers," passed December thirty-first, one thousand eight hundred and twenty-four.

May lease canal.

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 Morris Canal and Banking Company, by and with the consent of a majority in interest of the stockholders of the said company, expressed in writing and duly authenticated by affidavit, and filed in the office of the secretary of state, to lease the canal of said company, or any part thereof, with all or any of its boats, property, works, appurtenances and franchises, to any person or persons, or corporation, either perpetually or for such shorter time, and upon such rents and agreements, as may be agreed upon between the said contracting parties, and it shall be lawful for the lessee or lessees in said lease to use and enjoy the said property and franchises so demised, for the term in said lease mentioned.

Stockholders shall be paid for stock.

2. *And be it enacted*, That if any stockholder or stockholders, being such at the time of making such lease, shall be dissatisfied with the same, the said contracting parties, or one of them, shall pay to such dissatisfied stockholder or stockholders the full value of his, her or their stock imme-

diately, prior to such lease, to be assessed by three disinterested commissioners, appointed for that purpose by the chancellor or chief justice of the supreme court of this State, on the application of either party, made upon twenty days' notice, but said contracting parties shall not be compelled to pay for the stock of any such dissatisfied stockholder or stockholders, unless he or they shall give written notice of such dissatisfaction to the president or secretary of the said Morris Canal and Banking Company, before or within three months after such lease shall have been made and consented to by the requisite number of stockholders; and said lease shall not be valid as against such dissenting stockholder or stockholders until his or her stock shall have been paid for as provided in this act; *provided*, that no such lease shall Proviso. have the effect, or be construed to release or discharge the said Morris Canal and Banking Company from the payment of any taxes, annuities, revenues or debts, which the said company may be subject or liable to, either to the State or to any other person or persons; *provided further*, that if Proviso. the said company shall pay to any dissatisfied stockholder or stockholders the value of his, her or their stock so assessed, such stock shall not be thereby cancelled or retired, except at the option of said company, but the said stock may be sold or re-issued by such company at such price as the directors may deem expedient, and if said stock shall be paid for by any other contracting party to said lease, such stock shall become the property of the party paying therefor.

3. *And be it enacted*, That it shall be lawful for the said How may use surplus water company, or its lessee or lessees, to use the surplus water of the canal of said company, or any of its feeders, not needed for the purposes of navigation, in furnishing and supplying the inhabitants of any city, town or village along the line of said canal, or in the vicinity thereof, with a sufficient quantity of pure and wholesome water for manufacturing or domestic and other uses; and to make contracts with the corporate authorities of any such city, town or village, or with individuals, for such supply of water, for such compensation as may be mutually agreed upon, and to erect such works, and make such alterations in the said canal as may be necessary or proper to enable said company, or its lessee or lessees, to furnish such supply of water from the said canal; *provided*, that nothing herein contained shall be held Proviso.

to authorize the diversion of the said canal from the purposes of navigation; *provided further*, that nothing in this act contained shall be construed to authorize the said company to use as much of the water of the Musconetcong creek as to deprive the owners of mills or manufactories on said creek, below the dam at Saxon's Falls, of sufficient water to run one wheel, as at present used to drive two run of millstones, with the necessary fixtures for the same, during eight weeks of the year, and at least two wheels, each of the same power, during the residue of the year, without the consent of the owners; *and provided further*, that nothing herein contained shall be held to authorize the said company, or its lessee or lessees, to do any act affecting the existing rights of the society for establishing useful manufactories.

Proviso,

Proviso.

Consent to be filed.

4. *And be it enacted*, That this act shall take effect immediately, and be deemed a public act; and the said consent of stockholders herein and hereby required to be authenticated and filed in the secretary's office, when so authenticated and filed, together with the fact of the amount of stock held by each, the same being also authenticated by affidavit, shall be sufficient proof in all courts and places where the same may come in question, unless the contrary be made to appear, by the original affidavit so filed, or by a duly certified copy thereof made by the secretary of state.

Repealer.

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

Approved March 14, 1871.

CHAPTER CLIV.

A Further Supplement to an act entitled "An act to incorporate the Pequest and Walkill Railroad Company."

May build branch.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Pequest and Walkill Railroad Company to construct a branch railroad from some point on the main line as now surveyed, in the township of Independence, in the county of

Warren, to some point on the line of the Morris and Essex Railroad, at or near Port Morris, in the county of Morris, and also to construct a branch railroad from some point on their line in the township of Vernon, Sussex county, to the New York State line at or near Glenwood, subject to the rights and limitations for right of way, as are contained in the original act of incorporation, and it shall also be lawful for the said Pequest and Walkill Railroad Company to hold by lease or purchase additional lands at either of these termini, and at points of intersecting other railroads or branches, not exceeding thirty acres. Hold lands.

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

Approved March 14, 1871.

CHAPTER CLV.

A Further Supplement to the act entitled "An act to incorporate the city of Burlington."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next charter election of said city, after the passage of this act, and annually thereafter, there shall be chosen in said city by the legal voters thereof, from among the citizens of the same, twelve members of common council, to serve one year. May elect twelve councilmen.

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

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

Approved March 14, 1871.

CHAPTER CLVIII.

A Further Supplement to the act entitled "An act to revise and amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Vacancies, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a vacancy shall occur in the office of a commissioner of public schools, for the city of Newark, by the refusal or neglect of such officer to take the oath of office within the time required by law; by his resignation, death, ceasing to be an inhabitant of the ward for which he shall have been elected, or from any other cause, the board of education, of said city, may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office, who shall hold the same until a commissioner of public schools, for the ward in which said vacancy occurs, shall be elected at the charter election next ensuing thereafter, and until said commissioner, so elected at such election, shall be duly qualified.

Repealer.

2. *And be it enacted*, That all parts and provisions of the act to which this is a supplement, inconsistent with this act, be and the same are hereby repealed; and this act shall take effect immediately.

Approved March 14, 1871.

CHAPTER CLIX.

A Supplement to "An act to establish free public schools at Englewood, in the county of Bergen," approved April third, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of said act be, and is hereby amended, by striking out and repealing that part thereof which reads as follows, viz: "but said moneys so to be raised shall not exceed three thousand dollars per year." Act amended.

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

Approved March 14, 1871.

CHAPTER CLX.

An Act for the purpose of raising money to construct and complete a Public School Building in District Number Four, of Linden township, Union county.

WHEREAS, the trustees of school district number four, of Linden township, Union county, have purchased a lot and partially erected thereon a public school building, which land and building when finished, and furniture necessary in said building, will cost about the sum of eleven thousand dollars, of which sum only about three thousand have been raised by the taxpayers of said district; Preamble

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of said district number four, and their successors in office, are hereby authorized to finish the erection and construction of May finish improvement.

said public school building, and to construct and excavate a well and cistern on the said lot, and to provide the necessary furniture and apparatus and out-buildings in said school building and on said premises, and to pave and flag so much of said lot, or the walks therein, as may be desirable; and to construct fences in and around the same, and to make such other improvements as to said trustees or their successors may seem desirable, in order to protect the health and secure the comfort and cleanliness of the children; and to pay for the work already done and materials furnished in and about the erection and construction aforesaid; and to expend therefor any sum or sums of money that may be necessary, not exceeding eight thousand dollars more than has been or shall be raised and advanced for that purpose by the inhabitants of said district; and it shall be lawful, and the township committee of said township of Linden are hereby authorized and required, whenever called upon by the trustees of said school district for the time being, for that purpose, to issue bonds in the name of "The Inhabitants of the Township of Linden, in the county of Union," payable to the bearer thereof, with interest at seven per centum per annum, payable annually, under the hands and seals of the members of said township committee, the said bonds to be at the disposal of said trustees for the time being, for the purposes named in this section; *provided, however*, that said members of said committee shall not be personally liable on said bonds.

Expense limited.

May issue bonds.

Proviso.

Bonds, how payable.

2. *And be it enacted*, That said bonds shall be of the denominations which said trustees, for the time being, shall direct; that one thousand dollars of the whole sum for which such bonds shall be issued shall be due and payable in two years from the date of their issue; that one thousand dollars of said sum shall annually be due and payable thereafter; that said bonds shall be made payable accordingly, and that all of said bonds shall be exempt from taxation for county and township purposes.

Exempt from taxation.

Paid by taxation.

3. *And be it enacted*, That said township committee shall have power and authority, and are hereby required to provide for the payment of said bonds and the interest thereon, as the same shall become due and payable, by taxation on the estates of the inhabitants of said school district number four, and on all the lands liable to be taxed therein, which taxes shall be assessed, levied and collected in the same

manner, at the same time, and by the same means as other township taxes are.

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

Approved March 14, 1871.

CHAPTER CLXI.

Supplement to an entitled "An Act for the improvement of the town of Washington, in the county of Middlesex," approved February twenty-third, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the word marshal occurs in the original act, it shall be construed to read, and be added thereto, "and assistant marshal," and that the assistant marshal be invested with the same powers, and be subject to the same restrictions that the marshal is in the act to which this is a supplement. Act amended.

2. *And be it enacted*, That the board of commissioners of the town of Washington shall have power and authority to build or provide a lock-up, in connection with a court room, for the trial, detention and imprisonment of any person who may be arrested or committed for any breach of any of the by-laws or ordinances of said town, or for any breach of the peace, or any offense against the laws of this State; *and further*, it shall be lawful for the police justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, directed to said marshal or assistant marshal, commanding him to convey the offender to the lock-up, or to the common jail of the county of Middlesex, there to be kept and dealt with as is provided in the eighth section of the act to which this is a supplement. Lock-up. Judgment, how effected.

3. *And be it enacted*, That whenever the land owners on any street, or part of a street, shall determine to grade and pave the sidewalks, as is provided in the fourteenth section of Paving sidewalks.

the act to which this is a supplement, that if any land owner shall neglect or refuse to pave the sidewalks of his or her lands aforesaid within three months after he or she shall be notified by the commissioners of the town of Washington so to do, then it shall be lawful for the said commissioners to have the same done, and they shall recover in the name of the treasurer or board of commissioners, the expenses thereof (which shall include the cost of materials, carting and labor) from such land owner, in an action of debt, before any court having cognizance thereof; and the declaration in any such action may be general, stating the demand is for so much money paid, or laid out and expended in paving the sidewalks in front of his or her land, by virtue of this act, and the act to which this is a supplement, and that the special matters may be given in evidence under it.

Expense, how collected.

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

Approved March 14, 1871.

CHAPTER CLXII.

An Act to incorporate the Deer Park Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Woodward, Henry A. Pratt, Edward B. Woodward and Edward T. Wyckoff, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Deer Park Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the counties of Ocean and Burlington, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or

Corporators.

Title.

Objects and powers.

any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands, and for such purposes the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of twenty thousand dollars, with liberty to increase the same to forty thousand dollars, which shall be divided into shares of one hundred dollars each. Capital stock.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than three directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this State as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Directors. Term of office of First directors. Vacancies.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe, but no dividends shall be made to the stockholders except from the net profits of the corporation; and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times, for the purpose of inspection, and that their principal office shall be in New Egypt, in this State. Dividends. Books of account. Principal office.

4. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the May be dissolved. Proviso.

surplus among the stockholders, in proportion to their respective interests in the stock.

Public act extended to.

5. *And be it enacted* That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable.

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

Approved March 14, 1871.

CHAPTER CLXIII.

An Act to incorporate the Germania Mutual Savings Institution.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Christopher Wildenmayer, Julius Stapff, Joseph Henssler, Thomas B. Peddie, Morris Hart, Spencer Scott, Bernhard Janssen, Ferdinand Kuhnhold, Charles S. Haines, Benedict Prieth, James W. Corey, Jeremiah A. Cross, George C. Webner, Charles F. J. Lehlbach, Orson Wilson, George B. Jenkinson, Patrick T. Quinn, Christian Muller, Henry Sauerbier, William O'Gorman William A. Ripley, Gottfried Kruger, Frederick A. Trandt, James M. Patterson, Jacob Lagowitz, Julius B. Brose, Edward Balbach, William B. Guild, Junior, Christopher Wackenhuth, George D. G. Moore, Ernst F. Beck, John Whitehead, William A. Smith, Theodore Gerth and Timothy W. Lord, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "Germania Mutual Savings Institution," to be located in the city of Newark, and by that name shall have perpetual succession, and may sue and be sued in any court whatever.

Title.

May hold real estate.

2. *And be it enacted*, That the real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be, first such as may be requisite for its

immediate accommodation for the convenient transaction of its business; second: such as shall have been mortgaged to it in good faith for money loaned, advanced or paid, or such as may be purchased by said corporation in pursuance of the provisions of this act; third: such as shall or may be purchased at sales upon judgments or decrees, obtained or rendered for money loaned: and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose except as hereinafter stated, nor shall the said corporation, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business. Shall not engage in trade.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by the several persons named in the first section of this act, and their successors, that the said several persons shall constitute the first board of trustees of said corporation, and that no trustee of said corporation shall at any time, directly or indirectly, receive any pay or emolument for his services as such, except as by the terms of this act may be specially provided. Managers. First trustees.

4. *And be it enacted*, That the said board of trustees shall elect from their number a president, and such other officers as they may see fit; also said board may employ such agents, attorneys and servants, as from time to time may be required; ten of the said trustees, of whom one of the regularly elected officers of the said board shall be one, shall form a quorum for the transaction of business; and the affirmative vote of at least ten members of the board shall be requisite in making an order for, or authorizing the investment of, any moneys, or the sale or transfer of any stocks or securities belonging to the corporation, or authorizing the purchase of any real estate for the purposes described in the first subdivision of the second section, and in the seventh and eighth sections of this act, or for the appointment of any officer, agent, attorney or servant receiving any compensation from the corporation. Officers. Agents. Quorum.

5. *And be it enacted*, That all vacancies by death, resignation or otherwise, in the said board of trustees, shall be filled by said board, by ballot, without unnecessary delay, and at least ten votes shall be necessary for the election of Vacancies.

Meetings.

any trustee; the said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such other business as may be necessary; and any trustee neglecting to attend the regular meetings of the board for six months in succession, may thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same.

Office may be considered vacated.

Objects and powers.

6. *And be it enacted*, That the general business and object of the said corporation, shall be to receive on deposit such sums of money as from time to time may be offered, and to invest the same in the securities or stocks of this State or of the United States, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of twenty-five thousand dollars from any one individual, firm or association; said money so deposited, shall, so soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, with such interest, not exceeding seven per centum, and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made; no president, officer or servant of said corporation, shall directly or indirectly borrow the funds of said corporation or its deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees; all certificates or other evidences of deposit made by the proper officer of said corporation shall be as binding on such corporation as if they were made under its common seal; it shall be the duty of the trustees of said corporation to regulate the rate of interest which may be allowed to the depositors, so that they shall receive as nearly may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses, and the rate of interest on all deposits of one thousand dollars and under, shall not be less, and may be one per centum greater per annum, than shall be allowed on any sum exceeding one thousand dollars; no money deposited in said bank shall be

Investments.

Regulations.

No officers to borrow funds.

Rate of interest on deposits.

invested, except in the securities or stocks mentioned in this act, or except in the real estate which may be purchased by the said corporation in pursuance of the provisions of this act, but money may be loaned by it on unincumbered real estate within the State of New Jersey, worth at least double the amount secured thereby; in all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower; and it shall be the duty of the trustees of the said corporation to invest as soon as practicable, in public stocks of this State, or of the United States, or in stocks of any city or county in this State, issued in pursuance of law, or in real estate or bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund, not exceeding one-third of the whole amount of such deposits, which said corporation, at the discretion of the said trustees may keep to meet the current payments of the said corporation, and which may by them be kept on deposit, on interest, or otherwise, in such available form as the trustees may direct; the said corporation is hereby authorized gradually to accumulate a reserve fund, not exceeding one-fifth of the whole amount of such deposits, to meet any contingency of its business, which said reserve fund shall be invested in such public stocks of the United States, as the trustees may direct for the security of the depositors in the said corporation, and thereafter at each annual examination of the affairs of such corporation, any surplus over and above said sum, in addition to the usual interest, shall be divided ratably among the depositors in such manner as the board of trustees shall direct.

Deposits, how loaned.

Reserve fund.

How invested.

Surplus.

7. *And be it enacted*, That the subordinate officers and agents for the said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may, from time to time, require.

Officers to give security.

8. *And be it enacted*, That whenever any deposit shall be made by any minor or married woman, the said trustees may, at their discretion, pay to such depositor such sum as may be due to such depositor, although no guardian shall have been appointed for such minor, or the guardian of such minor or the husband of such married woman, shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor or married woman, shall be as valid as if the same were drawn or executed by a guardian of such minor, or the husband of such married woman, or

Deposits by minors and married women.

the minor was of full age, if such deposit was made personally by said minor or married woman.

Misnomer.

9. *And be it enacted*, That the misnomer of said corporation in any instrument, shall not vitiate or impair the same, if the description be sufficient to ascertain the intention of the parties to such instrument.

Examiners may be appointed.

10. *And be it enacted*, That any justice of the supreme court of this State may, at any time, on the application of any trustee or depositor in said corporation, and on reasonable cause shown therefor to the satisfaction of said justice, appoint one or more persons to examine into the investments thereof, and its affairs and business generally; the books, papers and accounts of said corporation shall be subject and open to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person may be examined on oath by such person or persons; and the said justice may confer such further powers on the person or persons so appointed as he may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation; the person or persons so

Report of.

appointed shall report the result of their investigation to the said justice, who, if satisfied thereby that any trustee, officer or servant of said corporation has been guilty of any

Proceedings under.

fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said justice shall deem expedient.

Depositors' book.

11. *And be it enacted*, That the said corporation shall keep at their office a book, in which any depositor shall be at liberty to insert the name or names of some person or persons to whom all moneys to the credit of such depositor in said corporation, in the case of the death of such depositor, shall be paid, if not otherwise disposed of by will; and all payments made after the death of such depositor, to the person or persons so designated, shall operate as a full discharge to said corporation for such payments so made.

Deposits, how entered.

12. *And be it enacted*, That all deposits and payments made in and by said corporation shall be regularly entered in the books of the said corporation, and every person depositing money shall be furnished with a duplicate of his or her account in which every deposit or payment shall be regularly entered so soon as made.

Place of business

13. *And be it enacted*, That the office or place of busi-

ness of the said corporation shall be at the city of Newark; and the books of the said corporation shall be open at all times for the inspection and examination of such person or persons as the Legislature may, from time to time, appoint for that purpose. Books to be open.

14. *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; *provided, however*, that the Legislature may at any time hereafter amend or modify this act. Public act. Proviso.

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

Approved March 14, 1871.

CHAPTER CLXIV.

An Act to incorporate "The People's Savings Institution," of the city of Newark, to be located north of Bridge street, in said city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hiram M. Rhodes, Henry N. Jaques, William N. Randall, Lewis I. Lyon, Charles M. Bolen, Peter T. Doremus, William Allen, Joseph M. Smith, Alexander Grant, Smith C. Ward, Robert Matches, Daniel Campbell, Hugh Holmes, Farrand C. Kitchell, Silas S. Williams, William D. Dunn, Joseph Feder, John A. Miller, John D. Mitchell, Jacob G. Doremus, Aaron O. Mains, James W. Good, Elias S. Dean, William M. Iliff, Christopher Roberts, John Toler, and their successors, shall be and are hereby constituted a body corporate and politic by the name of "The People's 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 estate, or any part thereof, at their 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 Corporators. Title. Powers. Proviso.

sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars.

Managers.

2. *And be it enacted*, That the said institution shall be conducted by thirty managers, twenty of whom, at least, shall be residents of the city of Newark; seven 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 mentioned in the first section of this act shall be the first managers of the institution; the managers shall, annually, on the first Monday in May, 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; and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful performance of the duties of their office, in such sum or sums, and with such sureties as may be directed by the board of managers.

Seat may be vacated.

First managers.

Officers.

Term of office of.

Oath and security.

By-laws.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, 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, or of the United States, and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be transacted, but shall not be altered so as to affect, injuriously, any one who may have been a depositor previous to such alteration.

Proviso.

Deposits.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations, as the board of managers shall, from time to time, prescribe; and the said institution

may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

Rate of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated that the interest allowed to depositors having more than five hundred dollars deposited may be at least one per centum less than the interest allowed to other depositors, and that no interest or dividend, on account of said surplus fund, shall be allowed for money which shall have been withdrawn from deposit.

Proviso.

Not to issue bills.

Officers not to borrow funds.

6. *And be it enacted*, That the said institution shall not issue any notes or bills, nor shall any manager, officer or agent of the said institution be allowed, directly or indirectly, to borrow any money from the said institution, and all compensation to be allowed to managers, shall be first determined upon by the board of managers.

Compensation.

Investments.

7. *And be it enacted*, That the said institution may invest money in the stocks created under the laws of the United States, and in the stocks and bonds issued by the several States, and also in such bonds as may be issued by the several counties, and cities, and townships in the States of New York, New Jersey and Pennsylvania, under the laws thereof; and also may make temporary loans upon personal securities, with pledges of collateral securities, at least double the value of the amount loaned; *provided*, that the amount thus loaned shall at no time exceed twenty per centum of the whole amount of assets; and said institution shall loan no money on bonds and mortgages, except on unincumbered real estate worth at least double the amount of the sum invested nor in the stock or loans of any incorporated company whatever.

Temporary loans.

Proviso.

Certificates of deposit.

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

Minors.

9. *And be it enacted*, That it shall be lawful for the institution, at their discretion, to pay to any depositor being a minor, such sum as may be due to such depositor, not exceeding 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 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 a single woman be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Proviso.

Depositors' book.

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.

Amount of deposit.

11. *And be it enacted*, That the institution shall not be required to receive on deposit a less sum than one dime, nor to allow interest on the fractional part of a dollar, nor shall the institution be required to allow interest on the fractional part of a month.

Account, how kept.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Vacancies.

13. *And be it enacted*, That the managers shall have power to fill up, by ballot, after notice of one month, any vacancy which may occur in their body or its officers, by a vote of a majority of the managers present.

Report to Legislature.

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 treasurer, and a committee appointed for that purpose by the managers, of three or more of their number, of the state of its

funds, and such statement shall be published in the city of Newark. Publish same.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Newark, and located north of Bridge street, 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. Books to be open.

16. *And be it enacted*, That this act shall be, and is hereby declared to be a public act, and the same shall be construed in all courts, favorably and benignly, for every beneficial purpose therein intended, and that no misnomer of the said institution, in any deed, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the Legislature may, at any time hereafter, amend or modify this act. Public act. Misnomer. Proviso. Proviso.

17. *And be it enacted*, That whenever any person indebted to said institution shall deposit moneys therein for the purpose of raising a fund for the payment of such indebtedness, the managers shall have the power in their discretion to allow interest on such deposits from the time the same are made. Interest in case of indebtedness.

18. *And be it enacted*, That this act snall continue in force until repealed, and shall take effect immediately. Term of act.

Approved March 14, 1871.

CHAPTER CLXV.

An Act to incorporate the Relief Fire Engine Company, of Mount Holly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin H. Stratton Thomas A. Clark, James S. Hulme, John L. N. Stratton, Richard C. Shreve, Peter Lynch, Samuel Burtis, Theodore H. Risdon, William T. Buckman, Charles M. Sloan, James N. Stratton, and all persons who are now or hereafter shall Corporators.

become associates of the Relief Fire Engine Company, of Mount Holly, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Relief Fire Engine Company, of Mount Holly," and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their common seal make, enter into, and execute any contracts or agreements touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this State, or of the United States, as they shall think proper.

Title.

Powers,

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, which shall be applied to the purchase and holding of real estate, and to the procuring of such implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure property from injury or destruction by fire; and shall have power to borrow such sum or sums of money as may be necessary to pay for the same, and to secure the payment thereof by bond and mortgage, or otherwise, on the said real and personal estate.

Privileges.

Officers.

3. *And be it enacted*, That the said company shall elect annually, out of their own body, a president, and such other officers, as they shall deem necessary for conducting their affairs according to their constitution and by-laws, and that the president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successors, and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due to the said company.

Powers and duties.

Property exempt from taxation.

4. *And be it enacted*, That the property of said company held under this act, shall be free and exempt from all taxes and assessments.

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

Approved March 14, 1871.

CHAPTER CLXVI.

A Supplement to an act entitled "An Act to incorporate the Bergen County Gas Light Company," approved March fourteenth, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said corporation may be increased, from time to time, and to such an amount as the board of directors may deem proper: *provided*, that the same shall not exceed the sum of three hundred thousand dollars. Capital stock increased. Proviso.

2. *And be it enacted*, That the said company may borrow such money, from time to time, as the directors may deem necessary for the business of the company, and may issue its obligations therefor, secured by mortgage on its property and franchises, or otherwise, and that it shall not be lawful for the said company to interpose the defense of usury in regard to any of the obligations of the company. May borrow money.

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

Approved March 14, 1871.

CHAPTER CLXVII.

An Act to incorporate the Warren Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Silverthorn, Jacob Hiestand, Joseph Anderson, William Davis, Eleazer Coffin, Joseph P. Thomas, Richard Wilson, John M. Sherrerd, and such other persons as may hereafter be associated with them, and their successors, be and are hereby constituted a body Corporators.

Title. Objects.

politic and corporate, by the name of "The Warren Iron Company," for the purpose of mining, smelting, manufacturing and vending iron, minerals, earths, metallic substances, and such other articles as are necessary in the prosecution of their business in the most advantageous manner, and by that name they and their successors shall have all the powers and privileges, and be subject to such restrictions as are required by the laws of this State concerning corporations, except as otherwise granted in and by this act of incorporation.

Capital stock.

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

Subscriptions to.

3. *And be it enacted*, That the persons named in the first section, or any three of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the county of Warren

Notice of opening books.

and elsewhere, as they may think proper, giving notice thereof for at least two weeks previous to the opening of said books, by publishing the same in a newspaper published at Belvidere, in the county of Warren, and the said books shall be kept open two days at least, and two dollars per share shall be paid on each share of the stock subscribed at the time of the subscription, and if more than the amount shall be subscribed, the said persons named in the first section, or a majority of them, shall make an equitable distribution of said stock among the subscribers; and it shall and

When may begin business.

may be lawful for said company to commence and carry on their business after the sum of twenty thousand dollars shall be subscribed, and the sum of ten thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than ten dollars on each share, and at intervals of not less than thirty days

Stock may be forfeited.

between each payment, under a forfeiture of all previous payments, if any such instalments be not paid within thirty days after a notice has been given in a newspaper published in Belvidere aforesaid; and it shall be lawful for said company at any time they may have any of their capital stock

unsubscribed for or otherwise disposed of, to grant certificates of shares in full or part payment for any personal or real estate and mining rights that may be purchased or leased for the purposes of conducting the business of the company. Certificates may be issued in payment for property.

4. *And be it enacted*, That the business of the said company shall be managed by five directors, being stockholders, one of whom shall be president; the number of directors may be increased to nine, if a majority of interest desire it, a majority of whom shall be competent to transact the business of the company; the first directors may be elected at any time after twenty thousand dollars of the capital stock has been subscribed, upon notice being given to all the stockholders by advertisement as aforesaid, for a meeting to choose directors, each share of the capital stock entitling the holder thereof to one vote; and the persons named in the first section of this act, or a majority of them, shall be inspectors of the first election for directors of the corporation, and shall certify under their hands the names of those persons having the greatest number of legal votes and being duly elected, and deliver over the said subscription books and effects to the said directors, after deducting necessary expenses; and annually thereafter elections for directors shall be held and conducted in conformity to an act entitled "An act to prevent fraudulent elections by incorporated companies," approved April fifteenth, one thousand eight hundred and forty-six, and the supplements thereto; and the persons being stockholders having the greatest number of legal votes shall be directors, and the said directors shall proceed by ballot to elect one of their number president, and another treasurer; and in case any vacancy or vacancies shall happen in the office of director, by death, resignation or otherwise, such vacancy or vacancies may be filled for the remainder of the year, whenever it or they may happen, by the board of directors, or a majority of them. Directors, first when elected. Inspectors of election. Elections, how held. Officers. Vacancies.

5. *And be it enacted*, That should it happen that an election should not be made upon the day designated for that purpose, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places. Failure to elect not to dissolve.

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

Approved March 14, 1871.

CHAPTER CLXVIII.

An Act to create the Association of Exempt Firemen of Jersey City.

Preamble. WHEREAS, the firemen of Jersey City were constituted a body politic and corporate, under the name, style and title of "The Firemens' Fund Association of Jersey City," for the purpose of administering to the wants of sick and disabled firemen, and their widows and orphans, of Jersey City, prior to consolidation; AND WHEREAS, the said association have collected and received under said act, a large amount of money from the firemen and others of said city, as constituted prior to said consolidation; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Z. Marinus, John Egan, Frederick T. Farrier, John T. Denmead, John B. Haight, William Howeth, William A. Fisher, John McGuigan, Thomas W. Tilden, Henry C. Hutton, William Hughes and others, and their successors, be and they are hereby constituted a body politic and corporate, under the name and

Title. title of "The Exempt Firemen's Association of Jersey City," and as such shall sue and be sued, and have all the corporate powers that corporations of like kind have under any laws of this State.

Fund to be transferred. 2. *And be it enacted*, That the fund now controlled by The Firemen's Fund Association of Jersey City, shall be transferred by the said Firemen's Fund Association of Jersey City to the Association of Exempt Firemen hereby created, to be applied by said Association of Exempt Firemen to the relief of widows and orphans, and aged and infirm members of the fire department of Jersey City, belonging to companys now or heretofore located and comprised in the first eight wards of said city, of the volunteer fire department of said city, lawfully exempt from said volunteer fire department, and for no other purpose.

How invested. 3. *And be it enacted*, That said fund shall be kept invested as at present invested, until the corporation hereby created

shall order otherwise, or until the trustees herein created shall come into the possession of the said fund.

Powers. 4. *And be it enacted*, That the corporation herein created shall have power to pass such by-laws, and create and maintain such seal for the said corporation, as from time to time shall be necessary for the transaction of such business ordered and directed by this act, not repugnant to or inconsistent with the laws of this State or the United States.

Officers. 5. *And be it enacted*, That the incorporators herein named, on their first meeting of organization after the passage of this act, shall elect from their body a board of trustees and treasurer, whose duty it shall be to receive from Duties of. the Firemen's Fund Association, all moneys, deeds, bonds, mortgages or evidences of indebtedness, and receipts and acquits in the law, all officers of said association having the same in their possession, and paying or handing the same over to the said trustees for the use of the said Exempt Firemen's Association, and the said trustees shall hold the same in their name until their successors are duly elected and qualified by the association herein created, as provided for in their by-laws.

Repealer. 6. *And be it enacted*, That all laws and parts of laws inconsistent or repugnant to this law, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Approved March 14, 1871.

CHAPTER CLXIX.

A Further Supplement to the act entitled "An act to incorporate the Montclair Railway Company," approved March eighteenth, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Montclair Railway Company be and is hereby authorized and empowered to deposit May file an amended survey. in the office of the secretary of state an amended survey and location of a railway from a point on the Hackensack river,

in the county of Hudson, to a point on the railway of said company, in the township of Wayne, in the county of Passaic, said amended survey and location to be in lieu of the surveys deposited in the office of the secretary of state on the seventeenth day of March, one thousand eight hundred and sixty-nine, and on the eighth day of May, one thousand eight hundred and sixty-nine, and on the twenty-seventh day of May, one thousand eight hundred and sixty-nine.

Privileges.

2. *And be it enacted*, That from and after the filing of said amended survey and location by said company as hereinbefore authorized, said company may proceed in the manner authorized by the act to which this is a supplement, to take the land covered by its several surveys, maps and locations so amended and altered, and the same being filed in the office of the secretary of state, may proceed to construct thereon the railways and appurtenances, appendages and conveniences thereof, designated by said several surveys, maps and locations.

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

Approved March 14, 1871.

CHAPTER CLXX.

An Act relative to the Lambertville Paper Manufacturing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Cowin, Cornelius Arnett, Joseph Smith, Griffith Williams, John Groman, and their associates, shareholders in the Lambertville Paper Manufacturing Company, an association formed at the town of Lambertville, in the county of Hunterdon, and organized under the provisions of an act of the Legislature, entitled "An Act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, one thousand eight hundred and forty-nine, and their successors and assigns, be and they are hereby

constituted a corporation and body politic, by the name and style of "The Lambertville Paper Manufacturing Company," and by that name the said corporation shall have power and authority to manufacture, and sell paper and articles made of paper, and shall have power and authority 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 purpose of this corporation, for the accommodation of their buisness and concerns, or which it may be necessary for the said corporation to acquire or 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 purposes mentioned. Title. Powers. Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, to be divided into one thousand shares of twenty-five dollars each, and that the owners of stock in the said association organized as aforesaid, shall be stockholders in the corporation created by this act, and shall hold the same number of shares therein that they may hold in the said association at the time of the passing of this act. Capital stock.

3. *And be it enacted*, That the association organized as aforesaid, shall, on the passage of this act, and the acceptance of the same by the directors of the said association, and the filing in the office of the secretary of state a certificate of such acceptance, signed by the president and secretary, under the seal of the said association, be deemed and taken to be merged in the corporation created by this act; and from that time all the property, real and personal, of said association, shall vest in and be deemed and taken to belong to the corporation created by this act, their successors and assigns, and with the same remedies at law and in equity, in respect thereto, as if the original association and subscription to the stock had been made under this act. Corporations may be merged.

4. *And be it enacted*, That all the affairs, property and concerns of the said corporation shall be managed and conducted by five directors, all of whom shall be stockholders, and at least three of whom shall be citizens of this State, and who shall be annually elected in the manner hereinafter prescribed; *provided*, that William Cowin, Cornelius Arnett, Directors. Proviso.

Joseph Smith, Griffith Williams and John Groman, the present directors of the said association, organized as aforesaid, shall be the first directors of the corporation created by this act, and shall hold their respective offices until their successors are duly elected.

First election.

5. *And be it enacted*, That the first election of directors of the corporation created by this act, shall be held on the first Monday of April, anno domini one thousand eight hundred and seventy-one, at the town of Lambertville, at such place and at such time of day as the board of directars shall appoint, of which election at least ten days' previous notice shall be given by the secretary of the company, in a newspaper published at Lambertville, and the said directors shall choose a president from among themselves, and the said president and directors shall hold their offices for the term of one year, or until the election of their successors, and every subsequent election for directors shall be held on the first Monday of April, in each year as aforesaid, at such time and place as the directors shall appoint, and ten days' public notice, in manner aforesaid, shall be given of the time and place of holding every such election, and any vacancy in the said board of directors may be filled 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.

Notice to be given.

Term of office.

Subsequent elections.

Vacancies.

Failure to elect not to dissolve.

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

Quorum.

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

Stock.

8. *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.

Books of account.

9. *And be it enacted*, That the said company shall cause to be kept at their office, which shall be in the town of Lambertville, proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all times for the inspection of the stockholders.

10. *And be it enacted*, That the said corporation shall possess the general powers contained in the act entitled "An Act concerning corporations," approved the fourteenth day of February, anno domini one thousand eight hundred and forty-six, so far as the same are applicable. General act extended to.

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

Approved March 14, 1871.

CHAPTER CLXXI.

An Act to incorporate "The Miners and Mechanics' Benevolent Institution, of Port Oram, New Jersey."

WHEREAS, a number of the inhabitants of the town of Port Oram, in the county of Morris, have formed themselves into an association or society, to which they have given the name of "The Miners and Mechanics' Benevolent Institution, of Port Oram, New Jersey," the object of which is to create a fund to be applied towards the relief or support of such members thereof as shall by sickness, accident, or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling, and also towards the decent interment of deceased members; AND WHEREAS, it is believed that an act of incorporation will promote the objects of the society and add to the security of its property; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Andrewarth, Thomas Morcom, Thomas Tyacke, Frederick Rowe, John Flarity, William Jane, William Rowe, Peter M. Rickard, Thomas Howton, John Howton, John Batten, and all such other persons as now are or shall hereafter become members of said society, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Miners and Mechanics' Benevolent Institution, of Port Oram, New Jersey," and by that name they and their successors shall have continued succession, and be persons in law capable of suing and Corporators. Title.

Powers and liabilities.

being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all the courts of law and equity whatsover, in all manner of actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name aforesaid, and under their common seal, may make, enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of said incorporation.

Officers.

2. *And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice president, treasurer, secretary, and such other officers and assistants as shall be deemed necessary, who shall be elected annually, by ballot, by a majority of the members present, at the annual meeting of the said society, to be held in January of each and every year, and two stewards, who shall be appointed every three months, in the order of their names on the roll (excepting the president, vice president and treasurer), shall act in the capacity of investigating committee, and according to the duties and purposes now or hereafter in force in said institution.

Annual meetings.

Property.

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

Proviso.

Constitution and 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 a constitution and by-laws for the transaction of business

and for effecting the purposes of the society aforesaid as by the members, or by a majority of the members present, duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution or by-laws be repugnant to the constitution or laws of the United States or of this State. Proviso.

5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated shall be the relief of its respective members, when sick or disabled by bodily infirmities or accident from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble in this and the foregoing sections of this act; and no part of the funds of the said corporation shall be used for banking purposes, or in any other way except as provided for by this act. Objects. Not to do banking business.

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

Approved March 14, 1871.

CHAPTER CLXXII.

An Act to incorporate the Grand Castle of the State of New Jersey, of the Honorable Order of the Knights of Temperance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas E. Vosh, M. D., Charles H. Shinn, Irwin H. Taylor, William Waddams, Rev. Henry B. Raybold and Jesse W. Sweeten, their successors and such persons as now are, or hereafter may be associated with them, shall be, and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Grand Castle of the State of New Jersey, of the Honorable Order of the Knights of Temperance," and by that name shall have perpetual succession, and be able to sue and be sued, plead and Corporators. Title. Powers and liabilities.

be impleaded, in any court of law or equity; to take and hold to them and their successors, either by grant, gift, devise or lease, any lands or real estate, or any personal property of whatever kind soever, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and to grant, bargain, sell or dispose of the same for the use of the said corporation, and generally to do all and singular such matters as may be necessary for the well being and proper management of the affairs of the said corporation, not contrary to the laws of this State, or of the United States.

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

Trustees. 3. *And be it enacted*, That the government of said corporation, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually at such time, and in such manner as the said corporation shall by its by-laws provide; at the first meeting of the trustees after their election in each year, Officers. they shall select from among themselves, a president, secretary and treasurer.

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

Approved March 14, 1871.

CHAPTER CLXXIII.

An Act to create a new township in the county of Union, to be called the township of Cranford.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the Locality. townships of Westfield, Springfield, Union, Linden and Clark, in the county of Union, lying within the boundaries and Boundaries. descriptions following, to wit: beginning at a point in the boundary line between Westfield and Springfield townships, distant three thousand feet from the confluence of Norma-

higgin brook and Rahway river; thence north eigthty-six degrees and forty-five minutes east, to a point seventeen hundred feet east of the road leading from Cranford to Milltown; thence south three degrees and fifteen minutes east, to a point in the road leading from Amos Clark's mill to Roselle, distant about twenty-seven hundred feet from said mill; thence westerly, following the middle of said road, across the Rahway river, to a point seventeen hundred feet northeasterly from Scudder's school house; thence north forty-eight degrees west, to a point distant three thousand feet southerly from, and at right angles with the Central Railroad of New Jersey; thence north three degrees and fifteen minutes west, to the road leading past the residence of Everett Pierson; thence northwardly in a direct line to the place of beginning, be and the same is hereby set off from the said townships of Westfield, Springfield, Union, Linden and Clark, and created into a new township, to be called and known by the name of the township of Cranford. Name.

2. *And be it enacted*, That the inhabitants of the township of Cranford are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the Township of Cranford, in the County of Union," and shall be entitled to all rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Union are or may be entitled or subject to, by existing laws of this State, and to the provisions of any special laws in relation to the said townships of Westfield, Springfield, Union, Linden and Clark, so far as the same are or can be applicable to the said township of Cranford, when set off as aforesaid. Corporate title. Powers and liabilities.

3. *And be it enacted*, That the inhabitants of the said township of Cranford shall hold their first town meeting in the second story of the new school house in the town of Cranford, in said township of Cranford, on the second Monday of April next, at eight o'clock forenoon, and closed at seven o'clock afternoon, and thenceforward at such place in said town of Cranford as the inhabitants may appoint at each prior annual town meeting; and at the first town meeting aforesaid, and at the first township election, Frank A. Ellis of the present township of Union, John G. Crane of the present township of Westfield, and James L. Benedict of the present township of Union, shall Town meetings. Officers of first.

be judges of election, and any of them may act in the absence of the others; and such judges, and any one or more of them acting, shall appoint a clerk.

Present officers.

4. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the said townships set off and called the township of Cranford, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation.

Westfield and Cranford.

5. *And be it enacted*, That the town committee of the townships of Cranford and Westfield respectively, shall meet at such time as they, or a majority of each of them, shall agree upon, not later than the first day of July next, and on the said first day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned for holding the said first town meeting in the town of Cranford, and then and there proceed, in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due, belonging to said township of Westfield, and all debts owing by said township of Westfield, in proportion to the taxable properties and ratables, with the townships of Cranford and Westfield respectively, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Cranford shall be liable to pay the proportion of the debts of the township of Westfield so assigned and allotted to them; and it shall be the duty of the town committee of the township of Cranford, if necessary, to issue a bond or bonds, with interest payable semi-annually, to the town committee of the township of Westfield for their proportion of the debt as allotted to them by the commissioners hereinafter mentioned; 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 such division, and the decision of a majority of those present shall be final and conclusive.

Property and liabilities to be apportioned.

May issue bonds.

Springfield and Cranford.

6. *And be it enacted*, That the town committee of the townships of Cranford and Springfield respectively, shall meet at such time as they, or a majority of each of them, shall agree upon, not later than the first day of July next, and on the said first day of July next, at ten o'clock of the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned for holding the said first town meet-

ing, in the town of Cranford, and then and there proceed, in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due belonging to said township of Springfield, and all debts owing by said township of Springfield, in proportion to the taxable properties and ratables, with the townships of Cranford and Springfield respectively, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Cranford shall be liable to pay the proportion of the debts of the township of Springfield so assigned and allotted to them; and it shall be the duty of the town committee of the township of Cranford, if necessary, to issue a bond or bonds with interest payable semi-annually, to the town committee of the township of Springfield, for their proportion of the debt as allotted to them by the commissioners hereinafter mentioned; 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 such division, and the decision of a majority of those present shall be final and conclusive.

Property and liabilities to be apportioned.

May issue bonds.

7. *And be it enacted*, That the town committee of the townships of Cranford and Union, respectively, shall meet at such time as they, or a majority of them, shall agree upon, not later than the first day of July next, and on the said first day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned for holding the said first town meeting in the town of Cranford, and then and there proceed in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due, belonging to said township of Union, and all debts owing by said township of Union, in proportion to the taxable properties and ratables, with the townships of Cranford and Union respectively, or appraised by the commissioners hereinafter mentioned, and the inhabitants of the township of Cranford shall be liable to pay the proportion of the debts of the township of Union, so assigned and allotted to them; and it shall be the duty of the town committee of the township of Cranford, if necessary, to issue a bond or bonds, with interest payable semi-annually, to the town committee of the township of Union, for their proportion of the debt as allotted to them by the commissioners hereinafter mentioned; and if any of the

Union and Cranford.

Property and liabilities to be apportioned.

May issue bonds.

persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make such decision, and the decision of the majority of those present shall be final and conclusive.

Linden and Cranford.

8. *And be it enacted*, That the town committee of the townships of Cranford and Linden, respectively, shall meet at such time as they, or a majority of each of them shall agree upon, not later than the first day of July next, and on the said first day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned for holding the said first town meeting in the township of Cranford, and then and there proceed in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due, belonging to said township of Linden, and all debts owing by said township of Linden, in proportion to the taxable properties and ratables, with the townships of Cranford and Linden, respectively, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Cranford shall be liable to pay the proportion of the debts of the township of Linden, so assigned and allotted to them; and it shall be the duty of the town committee of the township of Cranford, if necessary, to issue a bond or bonds, with interest payable semi-annually, to the town committee of the township of Linden for their proporportion of the debt as allotted to them by the commissioners hereinafter mentioned; 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 such division, and the decision of a majority of those present shall be final and conclusive.

Property and liabilities to be apportioned.

May issue bonds.

Clark and Cranford.

9. *And be it enacted*, That the town committee of the townships of Cranford and Clark respectively, shall meet at such time as they or a majority of each of them shall agree upon, not later than the first day of July next, and on the said first day of July next, at ten o'clock of the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned for holding the said first town meeting in the town of Cranford, and then and there proceed in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due, belonging to the said township of Clark, and all debts owing by said township of Clark, in proportion to

Property and liabilities to be apportioned.

the taxable properties and ratables, with the townships of Cranford and Clark respectively, or appraised by the commissioners hereinafter mentioned, and the inhabitants of the township of Cranford shall be liable to pay the proportion of the debts of the township of Clark, so assigned and allotted to them; and it shall be the duty of the town committee of the township of Cranford, if necessary, to issue a bond or bonds with interest payable semi-annually, to the town committee of the township of Clark, for their portion of the debt, as allotted to them by the commissioners hereinafter mentioned; 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 such division, and the decision of a majority of those present shall be final and conclusive. May issue bonds.

10. *And be it enacted*, That at all elections held by the inhabitants of the township of Cranford at their town meetings held after the second Monday in April next, they shall vote by ballot until it be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of this State to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the said township of Cranford. Vote by ballot. Act to apply to.

11. *And be it enacted*, That the township committee of the township of Cranford are hereby authorized, directed and empowered to issue bonds in the name of "The inhabitants of the township of Cranford, in the county of Union," under the respective hands and seals of said township committee, or any three of them, and to secure the payment of the same with interest at the rate of seven per cent. per annum, in such sums, and payable at such time or times as said township committee shall deem proper, and to pledge the property and credit of the township for the payment of the same, which bonds it shall be lawful for said township committee to sell and assign for the purpose of paying such portions of the debt that shall be assigned and allotted to them by the commissioners hereinafter named, or any two of them, in their settlement with the respective townships of Westfield, Springfield, Union, Linden and Clark. Bonds may be issued.

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

Assessments and collections.

township committee, and assessors of the township of Cranford, if necessary, and they are hereby required to cause to be assessed upon the real estate and personal property in the said township of Cranford, and collect therefrom such sum or sums annually as may be sufficient to meet the payments falling due, under the provisions of the foregoing sections to said townships.

Commissioners of appraisement.

13. *And be it enacted*, That Elston Marsh, of the city of Plainfield, John Degraw, of the city of Rahway, and Andrew Dutcher, of the city of Elizabeth, and any two of them, are hereby appointed commissioners to appraise the taxable properties and ratables of the said townships of Cranford, Westfield, Springfield, Union, Linden and Clark, which appraisement shall be made prior to the fifteenth day of June next, and upon that day, if not sooner made; and shall be the basis for the apportionment of the properties, moneys and debts of the townships of Cranford, Westfield, Springfield, Union, Linden and Clark, as aforesaid, and the proper expenses of the appraisement shall be allowed by said town committees in their said respective joint meetings, and one-sixth part of said expenses shall be paid by each of said six townships; and the said commissioners, or a majority of them, shall certify in writing the amount for which the town committee of the township of Cranford shall give bond or bonds, as aforesaid, to the town committee of the said townships of Westfield, Springfield, Union, Linden and Clark, respectively, and deliver their said certificate to the town committee of the said townships respectively.

Appraisement, when to be made.

Basis of apportionment.

Expenses of.

Amount of bonds.

Surplus revenue.

14. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of Cranford, of, in or to any portion of the surplus revenue of the United States government, to which the said township may now or at any time hereafter be entitled in the distribution of the surplus revenue or of its income.

Districts.

15. *And be it enacted*, That the said township of Cranford shall be divided into four districts, to be bounded as follows: district number one shall comprise all that portion of said township lying north of the centre line of the New Jersey Central railroad, and west of the middle of the Rahway river; district number two shall comprise all that portion of said township lying north of the centre line of the New Jersey Central railroad, and east of the middle of the

Boundaries.

Rahway river; district number three shall comprise all that portion of said township lying south of the centre line of the said railroad, and east of the middle of Rahway river; district number four shall comprise all that portion of said township lying south of the centre line of the said railroad, and west of the middle of Rahway river; and at all elections in said township of Cranford of a township committee, one member of the said township committee shall be elected from among the residents of each of the said four districts, and the fifth member of said township committee may be elected from any part of said township.

Township committee.

16. *And be it enacted*, That the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine, from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, one thousand eight hundred and fifty-eight, be and the same are hereby extended to the said township of Cranford, and that from and after the passage of this act, the several pound-keepers in the township of Cranford shall be entitled to have and receive the sum of fifty cents for each horse, mule, goat, head of cattle, sheep and swine, to be paid for the use of the pound-keeper, for letting in and out of the pound kept by him; and the person bringing such animal to be impounded shall also be entitled to receive the sum of fifty cents for every such animal so brought by him; and for feeding and attending, the pound-keeper shall be entitled to receive and have the further sum of fifty cents per head for all such animals for every twenty-four hours they remain in the pound kept by him; and the further sum of one dollar for setting up the advertisements and notices of sale, and for selling every such animal in the manner prescribed by law.

Animals running at large.

Act relative to, extended.

Pound keepers. Fees of.

17. *And be it enacted*, That the township of Cranford shall form a part of the assembly district of the county of Union.

Assembly district.

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

Approved March 14, 1871.

New Jersey State Library

CHAPTER CLXXIV.

An Act to enable Joseph H. Richardson and others, trustees, to convey certain lands and premises, in Newark.

May convey lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph H. Richardson, Edward M. Jones, John J. Lozier, John Bratton, Joel M. Bonnel, Enoch Bolles and Charles D. B. Davis, trustees of certain premises in Houston street, in the city of Newark, in this State, held by them in trust under and by virtue of two certain deeds of conveyance for said premises, one made by Elfameo M. Noyes and wife, and the other by William H. Carey and wife, said Elfameo M. Noyes and wife and J. P. Noyes, which said deeds are recorded in the register's office of the county of Essex, in this State, the former in Book H 11 of Deeds, on page 584, &c., and the latter in the same book on page 586, &c., be and they are hereby authorized and empowered to convey said premises in fee simple, by their deed, to the Missionary and Church Extension Society of the Methodist Episcopal Church, of Newark, which premises, when so conveyed, shall be held by said society in trust for the uses and purposes in and by said deeds declared, except as to the number of trustees and the nomination and election of trustees to fill vacancies.

To be held in trust. Exception.

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

Approved March 14, 1871.

CHAPTER CLXXV.

An Act to incorporate The Franklin Iron Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Brown, John L. Brown, Thomas Lawrence, Daniel Haines, Richard E.

Edsall and J. C. Platt, Jr., their associates, successors and assigns, and all such persons and parties, companies or corporations, as shall become stockholders in the company hereby incorporated, shall be, and they are hereby constituted a body politic and corporate, in law, by the name, style and title of "The Franklin Iron Company," to be located in the county of Sussex, New Jersey; and by said name, style and title, shall have succession, and a common seal, with power to use and alter the same at pleasure; and shall have power to sue and be sued, plead and be impleaded, in any court of this State or elsewhere; and may have all the rights and powers necessary to carry on, manage and develop the business of mining and smelting iron, and other ores and minerals, and for the manufacture, purchase and sale of iron and other metals and materials, and also the purchase and sale of general merchandise; with power to purchase, lease and hold such real estate, mines and mineral rights, and personal property, as may be deemed necessary or convenient for the prosecution of their business; and with power to sell, lease, mortgage, or otherwise dispose of the same at their pleasure.

Title.

Powers and Liabilities.

2. *And be it enacted*, That the said company shall have power, and they are hereby authorized to construct and use in the transportation of iron ore, coal, limestone, manufactured iron, or any articles necessary for the use of said company in its operations, a railroad or roads from the mines and works of said company to connect with any railroad or roads now existing, or that may hereafter be in operation in the said county of Sussex, by and with the consent of such railroad companies first obtained, or between the mines and works of said company and its other works; and to use upon such railroads locomotive engines, and such carriages or cars as may be necessary for the convenient use of said railroads, for the purposes aforesaid; and where such railroads shall cross any public highway, it shall be the duty of said company to make and keep in repair suitable wagon ways over or under the same, so that the passage of carriages, horses and cattle on said highways shall not be impeded thereby.

May build railroad.

3. *And be it enacted*, That a majority of the corporators herein named may proceed to open books for subscriptions to the capital stock of said company, and when one thousand

Books of subscription.

shares of stock are subscribed for, and fully paid in money, or in property, as herein provided, the corporators named in this act, or a majority of them, shall call a meeting of the stockholders for holding the first election of directors of said company; and when said election is made, this act shall take full effect; each share of stock shall be entitled to one vote, and stockholders may vote in person or by proxy.

When may organize.

Capital stock.

4. *And be it enacted*, That the capital stock of said Franklin Iron Company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, with the right and power in said company to increase their capital stock, from time to time, as the directors may elect, to any sum not exceeding the whole cost to said company of its lands, buildings, works, improvements, materials and other property, but in any event not to exceed the sum of two million dollars, all which shares shall be deemed personal property; the subscriptions to the capital stock may be made payable in money, or in real or personal property, appropriate to the business contemplated by this act, at a fair valuation, to be agreed upon by a majority in interest of the stockholders at the time of such subscription.

May be increased

Subscriptions, how paid.

May borrow money.

5. *And be it enacted*, That said company may borrow money and create indebtedness in such way and manner as the board of directors may deem desirable, and issue the securities of said company therefor, in such form and manner, and payable in such places as they may deem proper, and dispose of the same as the board may direct; *provided*, that no plea of usury shall in any case be interposed against the payment of any indebtedness hereby authorized; and said company shall have the right to purchase and hold the capital stock of other corporations, whether located in this or in any other State, with power to sell, assign, or otherwise dispose of the same at their pleasure.

Proviso.

Directors.

6. *And be it enacted*, That the affairs of said company shall be managed and conducted by a board of directors, to consist of not less than five nor more than nine, as may be determined, from time to time, by the stockholders at any annual meeting; the annual meetings of the stockholders, together with the stated and special meetings of the board of directors, may be held in the city of New York; said directors shall be stockholders, and shall be elected annually after the first election as hereinbefore provided for, and

Meetings.

shall hold their offices for one year, and until their successors are elected; but any failure to elect such directors annually, shall in no wise impair or affect meanwhile the rights and powers of those holding over, or the rights and interests of said company in any way; said board of directors shall elect a president from one of their number, and shall appoint a treasurer, secretary, and such other officers and agents as they may deem necessary to manage the affairs of the company, and shall fill all vacancies occurring in their own body until the next succeeding election, by stockholders; and a majority of said board shall form a quorum for the transaction of business; they shall have power to make by-laws for the regulation of the affairs of the company, and to alter and amend the same, so that the same shall in nowise conflict with, or be contrary to the laws and constitution of this State, or of the United States.

Term of office of directors.

Failure to elect shall not dissolve.

Officers.

Quorum.

Powers.

7 *And be it enacted*, That it shall and may be lawful for the Legislature of this State to amend, alter or repeal this act at any time, in such manner, however, as shall do no injustice to the stockholders.

Act may be repealed.

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

Approved March 14, 1871.

CHAPTER CLXXVI.

An Act to authorize the Board of Chosen Freeholders of the county of Burlington, to borrow money and issue bonds therefor.

WHEREAS, the expenditures and liabilities of the county of Burlington for the three years last past, have been unusually large, in consequence of the improvements in the county buildings, and the erection of several large and costly bridges; AND WHEREAS, said expenditures were not all anticipated by the board of chosen freeholders of said county, at the time of making their estimate

Preamble.

of the amount of money necessary to be raised by taxation in each of the three years, whereby a large indebtedness has necessarily been incurred; therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Board of Chosen Freeholders of the county of Burlington," to provide for the payment of said indebtedness, and of any further indebtedness that may be incurred by said board in executing the legal purposes, objects, business and affairs of said county, by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by the director of said board, and attested by their clerk, for an amount not exceeding in the aggregate the sum of five hundred thousand dollars, and the said bonds to be for such sums, and payable at such time or times as the said board shall deem proper, not exceeding twenty years from the date of the approval of this act, and bearing interest not to exceed seven per centum per annum, and to pledge the property and credit of said county for the payment of the same, and the said board of chosen freeholders and their successors, shall have power to sell or assign said bonds in such a manner as they shall deem most advantageous to the interests of said county; *provided*, said bonds shall not be disposed of for less than their par value.

May issue bonds.

Amount of.

When payable.

Interest on.

Proviso.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon, as the same shall from time to time become due and payable, by taxation, to be made, levied, assessed and collected at the times and in the manner that other county taxes in said county are levied, assessed and collected.

Provide for payment.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said board to the payment and satisfaction of the indebtedness aforesaid, and in the legal purposes, objects and affairs of said county, as the said board or a major part of them shall deem proper.

Proceeds, how applied.

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

Approved March 14, 1871.

CHAPTER CLXXVII.

An Act to confirm the will of Mary Goldy.

Preamble. WHEREAS, Mary Goldy, late of the county of Burlington, deceased, did make and execute in due form of law to pass real estate, bearing date the eighth day of April, in the year of our Lord one thousand eight hundred and fifty-two, and therein and there devise as follows, viz: "second, I give and devise unto my son William C. Haines, all my house and lot, situate in the village of Vincentown, together with all the residue of my estate of whatever nature it may be, that is to say, I give and devise all my estate to him, both real and personal, clear of all encumbrance and debts to him and his heirs and assigns forever;" AND WHEREAS, the said Mary Goldy, at the time of the making of the said will was a married woman, the wife of one Isaiah P. Goldy, from whom she was afterwards divorced by a decree of the court of chancery of this State; AND WHEREAS, by reason of the coverture of the said Mary Goldy, at the making of the said will, doubts are entertained of the validity of the devise of real estate therein made; for remedy thereof

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said will of the said Mary Goldy be and the same is hereby declared to be as valid and effectual in law as if the said Mary Goldy at the time of making the same, had been a feme sole and unmarried. Will validated.

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

Approved March 14, 1871.

CHAPTER CLXXVIII.

An Act to incorporate The Trenton City Dispensary.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas J. Stryker, Jacob R. Freese, Caleb [S.] Green, Samuel K. Wilson, W. W. L. Phillips, Woodbury D. Holt, Daniel B. Coleman, Philip Dunn, Elias Cook, Samuel Prior, John Taylor, William Dolton, their successors and such persons as are now or hereafter may be associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate in fact and law, by the name, style and title of "The Trenton City Dispensary."

Title.

Objects.

2. *And be it enacted*, That the object of said incorporation shall be to afford gratuitous medical and surgical aid, advice, medicines and such other means as may tend to the prevention of disease and restoration to health to such persons whose circumstances will not admit of the heavy expenditures attendant on sickness, and whose previous circumstances and present feelings might prevent them from applying to the overseers of the poor in the city of Trenton.

Powers.

3. *And be it enacted*, That the said The Trenton City Dispensary, by that name and their successors shall and may at all times hereafter, be capable in law of having, purchasing and holding any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable to devise or bequeath the same, and also to have a common seal, and the same to be used at pleasure, and also to enact a constitution and by-laws for their own government, and to alter and amend the same, and make and ordain such rules and regulations, to appoint such agent or agents at their regular stated meetings as may seem to them necessary, and to employ such assistant or assistants as may be necessary for the objects and purposes aforesaid, and also for the

proper management, protection and disposal of their property whether real or personal.

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

Approved March 14, 1871.

CHAPTER CLXXIX.

A Further Supplement to the act entitled "An act for the relief of School Districts Numbers Twelve, Thirteen, Seventeen and Eighteen, in the Township of Morris, in the County of Morris," approved March sixteenth, one thousand eight hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual charter election held in and for the town of Morristown, and at each similar election thereafter, there shall be elected by a plurality of the votes cast at such election, twelve persons, residents of Morris School District, of whom only six shall be voted for on each ticket, who shall be called school commissioners, whose duty it shall be to meet with the board of education of Morristown, on the second Tuesday of June, of each year, at such place as the said board of education shall previously appoint, and of which they shall cause at least three days' notice in writing to be given to said school commissioners, and by a vote of a majority of said school commissioners, and the persons constituting the board of education, determine and fix the amount of money to be raised by tax for the current year, for the purposes mentioned in the sixth section of the act incorporating the said board of education, approved March third, one thousand eight hundred and seventy, of which determination a certificate shall be made and signed by the chairman and secretary of said meeting, under their oath, and the amount so fixed upon shall thereupon be levied, assessed and collected as in said last mentioned act is provided.

School commissioners.

Duties of.

2. *And be it enacted*, That at each annual meeting held,

Board of education.

as hereinbefore provided, by said board of education and said school commissioners, on the second Tuesday of June, of each year, the persons constituting the board of education shall, by ballot, elect three of the said school commissioners to act as members of the board of education for the ensuing three years; and if any vacancy shall occur in said board of education during the year, such vacancy shall be filled by a like election of one or more persons, as the case may be, from the said school commissioners.

Vacancies.

Classes.

3. *And be it enacted*, That upon the passage of this act the persons now constituting the said board of education, of Morristown, shall, by lot, divide themselves into three classes, of three persons each, one of which classes shall retire from office on the second Tuesday of June next, and one class on the second Tuesday of June, of each successive year, or as soon thereafter as their successors shall be elected.

Act, how construed.

4. *And be it enacted*, That nothing contained in this act shall be construed as prohibiting members of the board of education of Morristown from being elected also as school commissioners.

Title vested.

5. *And be it enacted*, That the title to the school house and lot, situate at the junction of Speedwell and Sussex avenues, in Morristown, be and the same is hereby declared to be vested in the board of education, of Morristown, which shall have full power and authority to sell and convey the same, and the proceeds of such sale shall be used by said board of education for school purposes.

Repealer.

6. *And be it enacted*, That so much and such parts of the act to which this is a supplement, and the several supplements thereto, as may be inconsistent herewith, are hereby repealed.

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

Approved March 14, 1871.

CHAPTER CLXXX.

A Further Supplement to an act entitled "An Act for the preservation of Clams and Oysters."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any person or persons owning flats or coves along the shores of the tidewaters in the county of Burlington, between the lines separating Burlington from Ocean and Atlantic counties, to mark out, by fixing stakes across or around the same, at the distance of two rods from each other, and of such length as to be at least two feet above the ordinary high water, and plant or lay oysters, or other shell fish, within or above the same; *provided*, said stakes shall not include any natural oyster beds always covered with water beyond low water mark; *and provided also*, it shall not be lawful to stake out beyond the ordinary low water mark, nor injure any navigation publicly used. May mark out lots and plant oysters. Proviso. Proviso.

2. *And be it enacted*, That if any person or persons shall gather or take away any oysters or clams, above or within the line of stakes aforesaid, without permission first had or obtained from the owner or owners, occupant or occupants, of the flats or coves so staked in, he, she or they so offending shall forfeit and pay for each offence, the sum of twenty dollars, to be recovered and applied in manner directed by the twelfth section of the act to which this act is a further supplement, and shall moreover be liable to an action at the suit of the owner or owners, occupant or occupants, for his, her or their damages. Penalty for taking without permission,

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

Approved March 14, 1871.

CHAPTER CLXXXVII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Condemned building may be removed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any building or buildings being in whole or in part, in and upon any portion of any lands and real estate within the city of Newark, taken and appropriated in the opening, altering, widening, or straightening or vacating of any street, road, highway, lane or alley, public park or square, shall be condemned and compensation made therefor by the common council to the owner or owners thereof, the common council, or any person or persons purchasing said building or buildings, their agent or agents, shall have the power to remove said building or buildings, and for that purpose may, whenever necessary, enter into and upon the lands and real estate of said owner or owners, paying, however, to such owner or owners, compensation for all damages sustained in consequence of such entry.

Damages to be paid.

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

Approved March 14, 1871.

CHAPTER CLXXXVIII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Preamble.

WHEREAS, the owner or owners of lots of ground in the city of Newark, often neglect to pave or repave, flag or reflag the sidewalks in front of the same, or permit said side-

walks to get and remain out of repair, or neglect or refuse to fill up such of said lots as are declared a nuisance, and it becomes necessary for the common council to order said sidewalks to be paved or repaved, flagged or reflagged, or said lots to be filled up; AND WHEREAS, in many cases, it causes unnecessary delay and increased expense to said owner or owners, to publish notice of intention, and order said work by ordinance; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark may, whenever they shall deem it expedient, direct by resolution, without notice of intention, the sidewalks or any section or portion thereof, in front of any dwelling house, store, or other building, or lot or lots in said city, to be paved or repaved, flagged or reflagged, or repaired, or any lot or lots, or portions of the same, in said city, to be filled up in order to abate a nuisance, and prescribe the manner in which said work shall be done; and thereupon the street commissioner shall give to the owner or owners, occupant or occupants of said dwelling house, store, or other building, lot or lots, their agent or agents, notice thereof, in writing, or in case said owner or owners, occupant or occupants, their agent or agents, cannot be ascertained or found, shall post or affix said notice in some conspicuous place on said dwelling house, store or other building, lot or lots, and in said notice, order said work to be done and completed within thirty days from the date of said notice, and in case any such owner or owners, occupant or occupants, agent or agents, fail to comply with such order, the said street commisssoner shall advertise for proposals to furnish the materials and do said work, and the contract shall be awarded and the work done as required by the ordinances of said city, and the costs and expenses thereof shall be assessed and collected in the same manner as for regulating, grading and paving streets.

Improvements may be directed without notice.

Notice to be given.

In case of failure to comply with order.

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

Approved March 14, 1871.

CHAPTER CLXXXIX.

An Act to authorize the Mayor and Common Council of the city of Newark, to borrow a sum or sums of money, not exceeding in the whole one hundred thousand dollars, for the purchase of public school house sites, and erecting and furnishing public school houses thereon.

May issue "public school bonds."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark, to issue bonds, under their corporate seal and the signature of the mayor of said city, for an amount not exceeding one hundred thousand dollars, to be designated and styled "public school bonds," bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding twenty years from the date thereof, pledging the credit and the whole property of the city for the payment of the same, which bonds it shall be lawful for the said mayor and common council of the city of Newark to sell at public auction or private sale for the best price they can obtain for the same, as the proceeds of the same may be needed.

Proceeds of, how applied.

2. *And be it enacted*, That it shall be the duty of the mayor and common council to apply the net proceeds of said bonds, at such time or times as they may deem necessary, to the purchase of sites, the erection of public school buildings, and the furnishing thereof, and no other purpose whatever.

How paid, and interest.

3. *And be it enacted*, That the said The Mayor and Common Council shall include in the "tax ordinance" of each year, the sum of twelve thousand five hundred dollars, out of which amount shall be paid the interest on said bonds, and three per centum of the principal thereof to constitute a sinking fund, for the final payment of said bonds; the balance of the said sum of twelve thousand five hundred dollars shall be expended for the same purpose for which the principal of the said bonds are herein directed to be ex-

Sinking fund, commissioners of.

pended, and in the same manner; the commissioners to take charge of said sinking fund, shall be the same mentioned in the eleventh section of the act entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March tenth, one thousand eight hundred and fifty-nine, and in addition thereto, the president and the chairman of the finance committee for the time being, of the board of education of said city; all the provisions of the thirteenth and fourteenth sections, and the last clause of the twelfth section thereof, are hereby declared to be a part of this act, so far as the same can be made applicable thereto. Former act extend to this.

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

Approved March 14, 1871.

CHAPTER CXC.

An Act to incorporate the Board of Trade of the City of Trenton, New Jersey.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob R. Freese, David Naar, Ogden W. Blackfan, Thomas J. Stryker, Alfred S. Livingston, Charles Hewitt, Baltus Pickel, Samuel K. Wilson, J. F. Houdayer, William Dolton, George James, Isaac Weatherby, John Moses, Samuel Prior, Henderson G. Scudder, James Yates, James Buchanan, and their associates, members of the association known as The Board of Trade of the City of Trenton, New Jersey, and such other persons as may be hereafter associated with them, be and they are hereby constituted and declared a body corporate and politic, in fact and in name, by the name of "The Board of Trade of the City of Trenton, New Jersey;" and they and their successors by the same name shall be capable of acquiring, holding and conveying any lands, tenements, goods, chattels or securities whatsoever, necessary or expedient for the carrying out the objects of this act. Corporators. Title.

Objects.

2. *And be it enacted*, That the said corporation shall have for its object the promotion of the commerce, manufactures, trade, and general business and industrial interests of the city of Trenton.

Capital stock.

3. *And be it enacted*, That if at any time it shall be deemed advisable by said corporation to apportion the interests in any property it may hold, or be about to acquire, to the various members, the said corporation may, by a suitable amendment to its constitution or by-laws, create capital stock of such amount as may be necessary for the business of said corporation, or apportionment of said interests, and in such shares as may be deemed proper; the sale and distribution of such shares shall be provided for in said constitution and by-laws: said capital stock shall not exceed altogether the sum of one hundred thousand dollars.

Officers.

4. *And be it enacted*, That the officers of said corporation shall be a president, secretary and treasurer, and such other officers as may from time to time be provided by the constitution of said corporation; there shall be an executive committee, consisting of seventeen members in all, of which the officers of this corporation shall be ex officio members; the officers and executive committee shall be elected at such times, places, and according to such rules as are or may be hereafter laid down in the constitution or by-laws of said corporation, and shall be governed in their action by such constitution and by-laws, and shall hold their offices until their successors are duly chosen or elected; they shall manage the property, affairs, business and concerns of the corporation hereby created, in accordance with this act and with said constitution and by-laws, and shall report at each regular meeting of the board whatever they may have done in the interim, for approval or otherwise; at the time and place of the election of the executive committee, there shall be appointed an auditing committee of three members of the board, who shall not be members of the executive committee, to whom shall be referred for audit the accounts of the treasurer; they shall hold office until their successors are chosen; the present officers and executive committee shall hold their offices as officers of the corporation hereby created, until the election of their successors; a failure at any time to elect officers or members of the executive committee shall not cause a dissolution of the corporation, but

Executive committee.

Term of office of.

Duties.

Auditing committee.

Term of office of.

Failure to elect not to dissolve.

such officers and members may be elected at any subsequent regular meeting of the board.

5. *And be it enacted*, That such meetings of the said Board of Trade shall be held as it by constitution or by-laws may provide; and that so much of the present constitution and by-laws of said board as may not be inconsistent herewith, or with the laws of this State, shall be and continue in force for the regulation and government of said corporation; *provided*, that the said constitution and by-laws may be from time to time altered or amended in the manner now or hereafter specified therein, such amendments not being repugnant to this act or the laws of this State. Meetings. Proviso.

6. *And be it enacted*, That the said corporation shall possess the general powers conferred, and be subject to the liabilities imposed by the act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto. General act extended to.

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

Approved March 14, 1871.

CHAPTER CXCI.

A Supplement to an act entitled "An act to incorporate the Paterson and Rochdale Horse Railroad Company," approved March twenty-first, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the railroad authorized by the act to which this is a supplement, approved March twenty-first, one thousand eight hundred and sixty-six, shall not be commenced and completed within five years from the fourth day of July, one thousand eight hundred and seventy-one, then and in that case the act to which this is a supplement shall be void. When to be commenced.

Repealer.

2. *And be it enacted*, That so much of the twenty-second section of the act to which this is a supplement, as limits the time for completing said road to the fourth day of July, one thousand eight hundred and seventy-one, be and the same is hereby repealed.

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

Approved March 14, 1871.

CHAPTER CXCIV.

An Act to provide for a free bridge across the Passaic river, at the city of Newark.

Preamble.

WHEREAS, in consequence of the increasing population of that part of Hudson county lying on the east bank of the Passaic river, known as East Newark, it is desirable to have free communication by bridges between the city of Newark and the east bank of said river, opposite thereto; and to extinguish by purchase all exclusive privileges in building and maintaining toll bridges over said river, enjoyed by the proprietors of the bridges over the rivers Passaic and Hackensack; therefore, to enable the same objects to be carried out and accomplished,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Beach Vandeerpool, Isaac Van Wagenen, Thomas E. Bray, William H. McClave and John Van Voorst, Nehemiah Perry, Peter S. Duryea, Martin A. Howell, Isaac W. Scudder and A. L. Dennis, or a majority of them, be hereby appointed commissioners with full power and authority, by contract with the proprietors of the bridges over the rivers Passaic and Hackensack, to purchase and acquire for the public use of the counties of Essex and Hudson, the toll bridge now erected across the Passaic river, at the foot of Bridge street, in the city of Newark, together with the exclusive franchise enjoyed by the said proprietors to establish and maintain bridges across the river Passaic, north of the present bridge at the foot of Bridge street, for the lowest price for which the same can be

Commissioners.

Powers.

obtained; to the end that no obstruction may hereafter exist to the erection of such free bridges as may at any time be built between the said counties in pursuance of law; and in consideration of the expense of keeping up a turnpike road east of Walkins' tavern they may charge over the Hackensack bridge the same rate of tolls as are now allowed by the charter over the Passaic and Hackensack bridges.

May determine value.

2. *And be it enacted*, That in case no agreement for such purchase can be made with the said corporation, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of the said bridge and franchise, having first given at least twenty days' notice in writing, of the time and place when and where the said commissioners will meet to hear any representations on behalf of the said corporation or of the boards of freeholders of said counties in relation to the matter, which notice shall be served upon the president of the said corporation, and also upon the directors of the respective boards of chosen freeholders of the said counties of Essex and Hudson, and shall also be published in two daily newspapers, one published in the city of Newark, and one in the city of Jersey City, for the space of ten days prior to said meeting; and said meeting may be adjourned from time to time, at the discretion of said commissioners; and so soon as they shall have determined upon the said valuation they shall prepare and sign two certificates thereof, and file the same, one in the office of the clerk of the county of Essex, and one in the office of the clerk of the county of Hudson; and immediately upon the payment to the said "The proprietors of the bridges over the Passaic and Hackensack," of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the respective boards of chosen freeholders of the said counties, for public use, in the same manner as if the same had been erected by said boards in pursuance of law, and it shall thereafter be lawful to erect and maintain bridges over the said river between the said counties in such mode as may be provided by law, as freely as if no exclusive privilege had been granted to said corporation concerning the same.

On payment may have possession.

3. *And be it enacted*, That in case the said corporation or

the board of chosen freeholders of the counties of Essex and Hudson, or either of them, shall conceive themselves aggrieved by the action of said commissioners they may appeal therefrom to the supreme court of this State at any time within sixty days after the filing of the said certificates as aforesaid, and the said court shall order a jury to assess the value of the said bridge and franchise, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as said valuation, shall be increased or diminished accordingly; *provided*, that in case of appeal by said boards, or either of them, and also by said corporation, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal, whether taken by the said boards of chosen freeholders, or either of them, or by the said corporation, shall be in the county of Essex.

Appeal may be made.

Proviso.

4. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of said bridge and franchise, with the expenses incident thereto, shall be paid equally by the respective boards of chosen freeholders of the said counties of Essex and Hudson, and the said boards of chosen freeholders are respectively hereby authorized, empowered and required to borrow from time to time in the name of said respective boards by the issue of bonds to be signed by their respective directors, and countersigned by the respective collectors of said counties, and payable at any time not exceeding ten years, and bearing interest at the rate of seven per centum per annum, all such sums of money as may be necessary to pay the valuation and expenses aforesaid, which sums of money shall be paid over to said commissioners, to be applied by them to the purposes provided for in this act, and the moneys necessary for the redemption of the said bonds, with the interest to accrue thereon, shall be raised by county taxes, from time to time, in the same manner as other taxes are raised in said counties.

Final award, how paid.

Bonds may be issued.

Moneys, how raised.

5. *And be it enacted*, That before entering upon the duties hereinbefore specified the said commissioners shall take and subscribe an oath before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and

Commissioners shall take oath.

the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act. Compensation of

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

Approved March 14, 1871.

CHAPTER CXCV.

An Act to authorize the erection of Wharves, Piers, and Bulkheads, in front of certain lands on the Delaware river or bay, in the township of Greenwich, county of Cumberland, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles K. Landis and William A. House, be and they are hereby authorized and empowered to erect and maintain all such wharves, piers and bulkheads, in front of their lands, on Stowe creek, or on the Delaware river or bay, in the township of Greenwich, Cumberland county, New Jersey, as they may deem proper and necessary for the improvement of their property, or for the benefit of commerce, and to collect wharfage for the use thereof, and to hold, use and enjoy the same to themselves, their heirs and assigns, or to lease the same to other parties; *provided, however*, that no such wharf, pier or bulkhead shall be erected or built by virtue of this act, so as to interfere with or obstruct navigation, nor in front of the land of any other person; *provided*, that nothing in this act shall affect the right of the State to lands lying under water. May erect wharves, &c. Collect wharfage. Proviso. Proviso.

2. *And be it enacted*, That if any person or persons shall in any way injure the said wharves, piers or bulkheads erected by virtue of this act, such person or persons shall be responsible therefor, and shall pay the amount of damage done or caused by him or her or them; said damages to be recovered in any court having jurisdiction thereof. Penalty for injuring.

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

Approved March 14, 1871.

CHAPTER CXCVI.

An Act respecting the holding of elections in the township of Bridgewater, in the county of Somerset.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Bridgewater, in the county of Somerset, lying southwesterly of the road heretofore known as the New Jersey turnpike, and westerly of the division line between the villages of Somerville and Raritan, as now defined by law, shall constitute an election district, and be known as election district number three, of the township of Bridgewater, in the county of Somerset.

Election district number three.

Town meetings.

2. *And be it enacted*, That the annual township elections of the said township of Bridgewater, for town officers of said township, and for the raising of money for township purposes, and for such other purposes as may be authorized by law, shall be held in each of the three election districts of the said township at the time now provided by law for holding the same in the other townships of said county, and that the persons qualified to vote at such town meetings shall vote by ballot in their several election districts at the next township and other elections, and at all future elections held in said township; that the next annual township election in said third election district shall be held at Garnsey's hotel, in the village of Raritan, and in the second election district of said township, at Union Hall, in the village of Bound Brook, and thereafter at such places in said election districts as may be determined, from time to time, by the vote of said election districts respectively.

Vote by ballot.

Next town meeting, where held.

First officers.

3. *And be it enacted*, That the legal voters of said third election district, or as many of them as may be present at the next election, shall, immediately before the opening of the polls, elect viva voce by a majority of votes, a clerk, one judge and two inspectors of election, who shall be legal voters of said district, and who shall preside at such election only and constitute the board thereof; and said election

shall be conducted in the manner now prescribed by law for other elections in the township of Bridgewater.

Elections, ballots and officers.

4. *And be it enacted*, That in each of the said election districts of the township of Bridgewater, at their next annual and succeeding township elections, there shall be elected one clerk and three judges of election, but no ballot shall contain the names of more than two persons for judges of election; in case more than two names are voted for, the ballot shall be void only as to said judges of election, and in case two persons receive an equal number of votes, the first person named on the ballot for judge of election shall be elected; the persons so elected in their respective election districts, shall perform the same duties and be subject to the same penalties as now prescribed by law for judges, inspectors and clerks of election; and the township clerk shall constitute one of the district clerks, and preside in the election district where he may reside.

Notice to be given.

5. *And be it enacted*, That the clerk of the township of Bridgewater shall cause to be posted in five of the most public places in said third election district constituted by this act, fifteen days prior to the next township election, notices of the time and place for holding the same in said district, and said notices shall define the boundaries of said district as herein described.

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

Approved March 14, 1871.

CHAPTER CXCVII.

A Supplement to "An act to create from the township of South Amboy, in the county of Middlesex, a new township, to be called the township of Madison," approved March second, one thousand eight hundred and sixty-nine.

Town meeting, when held.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual town meeting in and for the township of Madison, in the county of Mid-

dlesex, shall hereafter be held on the second Monday in March, in each year, at such hours as are designated by the act creating and erecting said township.

Overseers of roads.

2. *And be it enacted*, That hereafter the legal voters of the several road districts of said township of Madison, in the said county of Middlesex, shall meet in their several road districts, on the first Monday in March, in each year, and organize according to law, and then proceed to elect one overseer to take charge of the roads of said district; and it shall be the duty of the township clerk of said township to give notice of each of the said elections, in writing, at least five days preceding such meeting.

Notice to be given.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed, and that this act shall be deemed and accepted as a public act, and shall take effect immediately.

Approved March 14, 1871.

CHAPTER CXCVIII.

An Act respecting bridges in the county of Hudson.

Bridges, how built and repaired.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it shall be necessary to erect, rebuild, or repair any bridge in the county of Hudson, it shall be lawful for the board of chosen freeholders of the county of Hudson, if they think proper, to erect, rebuild, or repair any such bridge or bridges, and to contract for the same, in such manner as the said board may elect; and for defraying the expense thereby incurred, the said board may order a requisition or warrant drawn upon the county collector for such sum or sums as they may require, from time to time, for such purpose, and the said county collector is hereby empowered and required to pay the same out of any county moneys in his hands.

Property of county.

2. *And be it enacted*, That all bridges erected, rebuilt, or repaired by the said board shall from the time of such erection, rebuilding, or repairing, become the property of the

county of Hudson, and be under the control of the said board of chosen freeholders of the county of Hudson.

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

Approved March 14, 1871.

CHAPTER CXCIX.

An Act to authorize the Trustees of the Central Union School District, in Bloomfield, in the county of Essex, to convey certain real estate.

Preamble.

WHEREAS, by a certain deed dated the twenty-third day of August, in the year of our Lord one thousand eight hundred and forty-nine, made by Israel C. Ward and wife, to the Trustees of the Central Union School District, in Bloomfield, a tract of land of about one-half an acre near to the school house of said district was conveyed to said trustees in their corporate character, to be held by them and their successors as a public common, and it is now desired by said trustees and the lawful voters of said district, in order to make said public common more convenient and advantageous in its connection with said school, to exchange the southern portion of said tract for the northern portion of a lot lying east thereof, and nearer to and adjoining said school lot; AND WHEREAS, it is represented that an exchange can be made of equal values of land; therefore,

How lands may be exchanged.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever at a meeting of the legal voters of said district called for that purpose upon lawful notice, it shall be resolved by a majority of the voters present at said meeting, that an exchange of lands be made as in the foregoing preamble set forth, and described in said resolution by metes and bounds, the lot to be conveyed to and the lot to be conveyed by said trustees in making such exchange; it shall be lawful for said trustees, and they are hereby empowered to execute and deliver to the person or

persons owning said lot to be given in exchange, a deed of conveyance for so much of the southern part of said common lot as may be described in said resolution, and equal in value with the lot to be received in exchange; and said deed of conveyance shall be deemed and construed to vest in the grantees named therein a good and valid title in fee simple, free and clear of the right of any person or persons to use the said lot in any manner whatsoever as a public common;

Proviso. *provided, however*, that said conveyance shall be assented to by said Israel C. Ward and wife, by whom said tract was originally conveyed for a public common to the trustees aforesaid.

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

Approved March 14, 1871.

CHAPTER CC.

An Act to authorize the Trustees of School District, Number Thirteen, of the township of Oxford, in the county of Warren, to borrow money.

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

May issue bonds. trustees of school district, number thirteen, of the township of Oxford, in the county of Warren, to provide for any existing indebtedness against the said district, by issuing bonds in the corporate name of said district, and under their corporate seal, to be signed by the president of the said board of trustees, and attested by the clerk, for an amount of money not exceeding four thousand dollars, in such sums, and payable at such time or times as the said trustees shall deem proper, and bearing interest at the rate of seven per centum per annum, and to pledge the property and credit of the

Proviso. district for the payment of the same; *provided*, that no bond shall be sold for less than its par value, and shall be redeemed within ten years from the date of said bond.

2. *And be it enacted*, That the said trustees shall have

power and authority to provide, by taxation on the taxable property in said district, for the payment of the said bonds and the interest thereon, and shall, yearly and every year, until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected, a sum of money sufficient to pay the interest on said bonds and indebtedness, as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that all such moneys so to be raised by virtue of this act, shall be exclusively applied to the payment of the principal and interest of such bonds and indebtedness, as the same may become due and payable. How paid.

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

Approved March 14, 1871.

CHAPTER CCI.

A Supplement to an act entitled "An act to incorporate the Central Agricultural Society of the State of New Jersey," approved March sixth, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Central Agricultural Society of the State of New Jersey, shall be increased so that the entire capital stock of the same shall be the sum of seventy-five thousand dollars. Stock may be increased.

2. *And be it enacted*, That the said society shall have power to issue preferred stock, to an amount not exceeding the sum of twenty thousand dollars, and that a dividend not exceeding eight per centum shall be divided among the holders of said preferred stock; *provided* the net proceeds of said society shall admit of such dividend, before the division of any dividend to the holders of the common stock. Preferred stock. Proviso.

3. *And be it enacted*, That until a dividend shall be divided upon said preferred stock, no tax shall be assessed thereon, nor shall any tax be collected upon the scrip or Tax.

shares of the common stock, until a dividend is declared upon said common stock.

Preferred stock, privileges of holders.

4. *And be it enacted*, That the holders of the said preferred stock shall be entitled to the same voting privileges as may be allowed to the holders of the common stock.

Lien on property.

5. *And be it enacted*, That the holders of the said preferred stock shall have a first lien upon the property and assets of the said society to the amount, at par, of the preferred stock so held.

Repealer.

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

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

Approved March 14, 1871.

CHAPTER CCII.

An Act to incorporate the Palisade Land Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob S. Wetmore, Francis Howland, Cornelius Lydecker, I. Smith Homans, junior, Nathan T. Johnson, and their associates, are hereby created

Title.

a body corporate, by the name of the "Palisade Land Company," and by that name shall have power to sue and be sued, to make and use a common seal, and in their corporate name to purchase, hold, improve and sell real estate, or any interest therein.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall consist of ten thousand shares of one hundred dollars each, and may be increased from time to time by a vote of two-thirds of the stockholders, to two million dollars.

Directors.

3. *And be it enacted*, That the affairs of the company shall be managed by a board of directors, a majority of whom shall be citizens of the State of New Jersey; said board to consist of not more than five nor less than three shareholders; the board of directors to be elected annually, and the

present corporators to act as first directors under this charter, and continue in office until their successors are elected.

Quorum. Powers.

4. *And be it enacted*, That a majority of the directors shall be a quorum to transact business, and shall elect from their own number a president, and appoint all proper officers and agents.

Conveyance, lease, &c.

5. *And be it enacted*, That any conveyance, deed, lease, agreement, or other instrument signed by the president and secretary of said company, and duly acknowledged according to the laws of the State of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained.

6. *And be it enacted*, That the said company shall have power to borrow such sums of money from time to time as shall be necessary to carry out the objects of said company, and to execute and issue for the repayment thereof a bond or bonds, which may be secured by mortgage, deed of trust, or declaration of trust, on the lands and appurtenances of the said company.

7. *And be it enacted*, That dividends may be made of the proceeds of the sale of lands and of the profits of the said company.

8. *And be it enacted*, That said company shall be at liberty to subscribe for stock in any canal, turnpike or railway company, whose line shall come to or pass through any of its land; and to take stock in a ferry or ferries from its lands to the city of New York, or elsewhere.

9. *And be it enacted*, That the said company may be dissolved at any time at a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least two-thirds of the stockholders be represented therein; upon such dissolution the directors shall hold the property as joint tenants in trust, to sell the same and to distribute the proceeds, unless the stockholders shall at the said meeting appoint other trustees.

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

Approved March 14, 1871.

CHAPTER CCIII.

An Act to incorporate the Montclair Library Association.

Preamble. WHEREAS, at a meeting of the citizens of the central part of the township of Montclair, held March twelfth, one thousand eight hundred and sixty-nine, there was organized an association under the name and title of "The Montclair Library Association;" AND WHEREAS, this association has at the present time a collection of over five hundred volumes in daily use among its members; AND WHEREAS, the growth of this association and the interests of the locality demand the establishment and erection of a suitable building or buildings for a lecture hall, library and reading room, with all proper conveniences and appurtenances; AND WHEREAS, this association with a view to advance the interests of learning generally, and to instruct and educate the youth of said locality in science, literature and the arts, and for the objects hereinbefore stated, is desirous of an act of incorporation, that its purposes may be effectually subserved; therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George S. Dwight, Frederick H. Harris, Israel Crane, John W. Taylor, Samuel Wilde, junior, William A. Torrey, Julius H. Pratt, Robert M. Hening, Philip Doremus, John J. H. Love, W. H. Van Slyck, George E. Hawes, and all and every other person or persons who are or who may become their associates, their successors and assigns, shall be and are hereby incorporated

Title. by the name of "The Montclair Library Association," and by that name shall be a body corporate and politic, and said

Powers. association is hereby authorized to lease, purchase hold, sell, improve, (by the erection of buildings or otherwise) or to receive by donation, devise or bequest, and to convey any lands, tenements or personal estate whatever, and to raise money by loans upon the same, by mortgages or otherwise, and to rent out the same, and to receive the rents or emoluments thereof, as may be deemed expedient for the purposes of this corporation.

2. *And be it enacted*, That the said corporation shall be managed and controlled by a board of directors, not more than nine, nor less than five in number, who shall be stockholders, elected annually, and in such manner, and at such times as may be prescribed by the by-laws of said association; and the first election for directors shall be held in such manner as shall be determined by a majority of the aforesaid corporators, as soon as the stock hereinafter mentioned of two thousand dollars shall have been subscribed, upon written notice having been given by the corporators to the subscribers of the stock, of the time and place for holding such election; and in this and every subsequent election each stockholder shall be entitled to one vote for every share of stock by him, her or them held, either in person or by proxy. Directors. First election.

3. *And be it enacted*, That the capital stock of said association shall be fifty thousand dollars, to be divided into shares of ten dollars each, which shares shall be deemed to be personal property, and shall be transferable and assignable on the books of the company; and whenever two thousand dollars shall have been subscribed, and ten per centum of the same paid, the said association is authorized to commence operations to carry out the objects and purposes of this act. Capital stock. When may begin business.

4. *And be it enacted*, That the corporators named in the first section of this act, shall open books for subscriptions to the capital stock of this association within three months after this act shall become a law, at such hour of the day, and in such place or places in Montclair, as they or a majority of them may deem desirable and proper, due notice of the time and place for opening such books of subscription having been given in a newspaper circulating in Montclair, at least five days before opening such books of subscription, and also to fix and determine at what times, in what amounts, and to whom the balance of subscriptions shall be paid. Books of subscription. Notice to be given.

5. *And be it enacted*, That the directors of said association shall have power to enact by-laws for the government and management of its property, purposes and general affairs, and shall have power to alter, amend or repeal the same, or any part thereof, in such manner as the said by-laws may prescribe; and that the said by-laws shall prescribe the time and manner for the election of directors after the first Directors. Powers of.

election, and shall make provision for the continuance in office of the old board of directors (in case of failure to elect at the time prescribed) until a new election can be ordered, and shall state the number of officers of said board of directors, and of said association, and prescribe their duties, and the manner in which, and the term for which they are appointed, and the manner in which vacancies in the board of directors, or in any of the offices, whether caused by removal, death, expulsion or otherwise, may be filled; and they (the said board of directors) shall have power to forfeit to the association such sum or sums of money as may have been paid upon subscriptions; *provided*, the balance shall not be paid according to the terms of said subscription; and also to enforce payment of the same sum from such delinquent subscriber or subscribers by due course of law.

Proviso.

Stock transferable.

6. *And be it enacted*, That the capital stock of the said association shall be deemed personal property, and the shares of stock shall be transferable only on the books of the association, under such regulations as the board of directors may prescribe.

Exempt from taxation.

7. *And be it enacted*, That no State, county or township taxes shall at any time be levied or imposed upon the said association, or upon the stocks or estates which may become vested in them under this act.

Who may subscribe to stock.

8. *And be it enacted*, That other associations and corporations like in character, objects and purposes to this association, shall and may have power and authority to subscribe to the stock of this association.

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

Approved March 14, 1871.

CHAPTER CCIV.

An Act to authorize John C. Vandervoort to sell and convey certain lands conveyed to William Gledhill, deceased, as trustee, for the benefit of Mary Slingland, and others.

Preamble. WHEREAS, George Slingland and Mary, his wife, Edward McKeon and Amelia, his wife, Marcus J. McKeon and Parthenia D., his wife, John McKeon and Annie McKeon, of Paterson, New Jersey, conveyed by a deed dated August fourth, one thousand eight hundred and sixty-nine, and recorded in book S three of deeds for Passaic county, pages one hundred and thirty-four, and so forth, certain lands therein described, to William Gledhill, and (as set forth in said deed) "upon and for the uses and trusts following, that is to say: first, to sell and dispose of said lands by public or private sale, and convey the same to purchaser upon terms and prices at his discretion; and second, to pay out of the proceeds all charges against the lands, and all costs and expenses of sale; and third, to pay one-fifth of the net surplus to said Mary Slingland, one-fifth to said Edward McKeon, one-fifth to said John McKeon, one-fifth to said Annie McKeon, four hundred dollars to said George Slingland, three hundred dollars to said Annie McKeon, and the balance to said Marcus J. McKeon;" AND WHEREAS, said William Gledhill has since died, without executing said trust or selling said lands, and leaving no child of age competent to execute said trust; therefore,

May convey land. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Vandervoort be, and he is hereby authorized and empowered, and is hereby constituted a trustee, with full power to sell and convey said lands, and to pay the proceeds of the sale thereof, to the said several parties in the proportions and amounts set forth in said deed as aforesaid, or their assigns; and the deed of said John C. Vandervoort, for said lands, properly executed by him, it is hereby declared and enacted, shall convey to

the purchaser or purchasers of said lands all the right, title, interest and estate of the said parties to said deed, in and to said lands, at the time of the execution and delivery of said deed.

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

Approved March 14, 1871.

CHAPTER CCV.

Supplement to an act entitled "An Act to incorporate the Lodi Manufacturing Company, for purposes of agriculture," passed February the sixth, one thousand eight hundred and forty.

Named changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name, style and title of "The Lodi Manufacturing Company," incorporated by the act to which this is a supplement, sometime located in what was then known as the township of Lodi, and county of Bergen, now known as the township of Kearney, in said county, is hereby changed to "The Kearney Chemical Works."

Rights and liabilities unimpaired.

2. *And be it enacted*, That nothing in this act contained shall in any way impair any right or liability of the said corporation in relation to any contract heretofore made; but any suit or suits in relation thereto, or in relation to any other matter, shall hereafter be brought by or against the said corporation, by its new corporate name; all actions now pending may be continued in the present name of said company.

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

Approved March 14, 1871.

CHAPTER CCVI.

An Act to incorporate the Washington Market Company, of the city of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Doremus, Patrick Curran, John B. Van Blarcom, Albert A. Van Voorhis, David B. Beam, John J. Brown, Samuel A. Van Saun, John H. Habben, Charles Hattrick and Ralph A. Van Houten, and such other persons as may hereafter be associated with them, their successors and assigns, be and they are hereby created a body corporate, in fact and in law, by the name and style of "The Washington Market Company of Paterson," for the purpose of building, leasing and using a market house or market houses, and carrying on the business incident thereto, and for such purpose the said company shall or may raise by subscription by opening the books therefor or otherwise, a capital stock of thirty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, to any sum not exceeding two hundred and fifty thousand dollars, and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid, and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively, such instalments, and at such times, and in such proportions, and upon such notice as they shall deem proper, not exceeding twenty dollars on each share at any one time, and in case of failure by any stockholder to pay his or her instalment or instalments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of said company.

Corporators.

Title.

Capital stock.

May issue stock for property.

Stock may be forfeited.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation,

Powers.

and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, to an amount not exceeding at any one time one-half of their paid up capital stock, and may sue and be sued, in all courts of law or equity, and may have and use a common seal, and change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this State.

Proviso.

Directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by seven directors, who shall elect one of their number president, who shall be a resident of the city of Paterson, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, at such place, and on such notice as the by-laws of the said corporation shall direct; and that whenever the said sum of thirty thousand dollars shall be subscribed, and paid in, the said associates hereinbefore named shall give at least ten days' notice to the stockholders of this corporation of the time, place and hour of the day for the election of the first board of directors, at which time the said stockholders shall elect five directors; a majority of the directors shall on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Term of office of.

First election.

Vacancies.

Failure to elect shall not dissolve.

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

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written state-

ment of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation as nearly as the same can be ascertained, and also the amount of receipts and expenditures or disbursements of the preceding year. Statements.

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

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

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

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

Approved March 14, 1871.

CHAPTER CCVII.

An Act for the relief of The Trustees of Immanuel Methodist Episcopal Church, of Newark, in this State.

May sell and convey land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That notwithstanding the trust declared in the deed dated February fifteenth, one thousand eight hundred and sixty-seven, from Emeline Ludlow to the trustees of the Market Street Methodist Episcopal Church, a corporation located in Newark, in the county of Essex, in this State, and now known as "The Trustees of Immanuel Methodist Episcopal Church," for a lot of land on the south side of Elm street in said city; it shall be lawful for said corporation to mortgage or sell and convey said lot of land and premises by deed, in fee simple or otherwise, free and clear of said trust declared in said deed, and in like manner as if said trust was not contained in said deed.

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

Approved March 14, 1871.

CHAPTER CCVIII.

A Supplement to the act entitled "An act to incorporate the Ryle Silk Manufacturing Company," approved April fourth, one thousand eight hundred and sixty-seven.

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Ryle Silk Manufacturing Company, from time to time, to borrow such sum or sums of money as they may think necessary, to further construct and complete the works of said company, and to enable them to better carry on their busi-

ness; but such sum or sums shall not exceed the sum of two hundred thousand dollars; and to issue their bonds therefor at such rates of interest, not exceeding seven per centum, as may be stipulated, and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury, and for securing the payment of the same, full power and authority is hereby given and granted to the said company to pledge or hypothecate, by way of mortgage, trust or otherwise, the whole or any part of the works of said company; and such pledge, trust, hypothecation and bond and mortgage, shall be valid in law for securing the payment of any sum or sums of money 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 money so borrowed and secured, the person or persons, body politic or corporate, their legal representatives, successors or assigns, claiming under such pledge, hypothecation, bond, mortgage or trust, may, by due process of law, acquire the title to have, use, hold, occupy and enjoy the said Ryle Silk Manufacturing Company and appendages, with all the property privileges, appendages, appurtenances, to the same belonging, and all the property of said company, and the franchises and chartered rights aforesaid, and take and receive the rents, issues and profits, and advantages thereof during the whole residue of the term for which 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; and any deed, pledge, hypothecation, mortgage or trust that shall be created by virtue of this act, shall be entered on record in the office of the clerk of the county of Passaic, the same having first been acknowledged or proved according to law.

Issue bonds.

How paid.

Title may pass.

Deeds, &c., shall be recorded.

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

Approved March 14, 1871.

CHAPTER CCIX.

A Supplement to an act entitled "An act to incorporate the Bergen Point Gas Light Company," approved February seventeenth, one thousand eight hundred and sixty-four.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the company, named in the act to which this is a supplement, be changed, and called "The Bayonne and Greenville Gas Light Company."

Capital increased.

2. *And be it enacted*, That the capital stock of said company be increased to five hundred thousand dollars.

Directors increased.

3. *And be it enacted*, That the number of directors of said company be increased to nine.

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

Approved March 14, 1871.

CHAPTER CCX.

An Act to change the name of the Bethesda Baptist Church, of the city of Rahway.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Bethesda Baptist Church, of Rahway, be and the same is hereby changed to "Irving Street Baptist Church, of Rahway."

Rights and liabilities unimpaired.

2. *And be it enacted*, That all legal rights and liabilities of said corporation shall remain the same as if this act had not been passed, and that this act shall be deemed a public act, and take effect immediately.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 14, 1871.

CHAPTER CCXI.

An Act to incorporate the Mutual Security Life Insurance Company, of Hackettstown, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William L. Johnson, David Shields, Robert Rusling, Isaac W. Crane, John Tims, Caleb H. Valentine, William Holt, Robert S. Price, Thomas McCauley, Joshua H. Curtis and Thomas J. Halsey and others, their successors and assigns be, and they are hereby ordained, constituted and declared to be a body corporate, in fact and in name, by the name of "The Mutual Security Life Insurance Company," and by that name they and their successors shall and may have succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may alter and change the same at pleasure, and that they and their successors by the name of The Mutual Security Life Insurance Company, shall be in law capable of purchasing, holding and conveying any real estate or personal property that the directors may deem necessary for the use of the said company, or that may be taken for debts, or purchased, held or conveyed for the security and protection of the funds of the company. Corporators. Title. Powers and liabilities.

2. *And be it enacted*, That all persons who shall insure in or with said corporation while they continue so insured shall be members thereof; and that the property and business of the said corporation shall be under the control and management of not less than seven nor more than eleven directors; and all the meetings of the company, both regular and special, shall be held at such places in the town of Hackettstown, Warren county, as the directors shall direct. Insured shall be members. Directors. Meetings.

3. *And be it enacted*, That it shall and may be lawful for the said company to insure the lives of persons resident in this State or elsewhere, on such terms and conditions as shall, from time to time, be ordered and provided for by the May insure lives.

by-laws of the company, which by-laws the directors, or a majority of them, are hereby authorized to make and alter as they may deem necessary for the best interests of the company; *provided*, the same shall not be repugnant to the laws of this State, or of the United States.

Proviso.

First directors.

4. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed directors of the company, to hold their office until the first Tuesday in January, in the year of our Lord one thousand eight hundred and seventy-four, and until others are elected in their places; and the directors as soon as convenient after the passage of this act, and the directors which may hereafter be chosen agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their own number a president, secretary and treasurer, who shall hold their respective offices, in addition to their directorship, for the term of one year, or until others are appointed in their places; *provided*, that if there should be no one from among the board of directors who will serve as treasurer or secretary, then the directors or a majority of them shall appoint some suitable person to fill said office from among the membership of the company; and in case of the death, resignation or inability to serve, such vacancy may be filled by such person or persons as the board of directors or a majority of them may appoint, and in case of the absence of the president or secretary the directors shall have power to appoint a president or secretary pro tempore; the directors or a majority of them shall have power to appoint and remove such agents, solicitors, actuaries, servants and assistants from time to time as they may deem proper to carry on the business of the company.

Term of office of.

Officers.

Proviso.

Oath to be taken.

5. *And be it enacted*, That each director and other officer before he enters on the duties of his office shall make oath or affirmation that he will honestly, faithfully and impartially execute the duties of his office according to the best of his knowledge and ability; which oath or affirmation the president, secretary or treasurer is hereby authorized to administer; the directors shall take bond of the treasurer for such sum as they may deem necessary for the faithful and honest performance of his duties; the bond to be required before he enters upon the duties of his office.

Treasurer to give bond.

6. *And be it enacted*, That the funds received by said corporation in their business, after paying for the services

of their officers, agents, and all other necessary expenses of the company, may be invested in bonds and mortgages on unincumbered real estate, which real estate must be worth double the amount loaned thereon, or in bonds or stocks of the United States, or of this State, or of the incorporated cities of the State, or that they may invest, not to exceed fifty per centum of their funds, on personal securities, secured with pledges of collateral securities worth, at least, twenty-five per centum more than the amount loaned, or if the directors may deem it expedient for the interests of the company, they may deposit in the savings banks of this State, not to exceed fifty per centum of the funds invested by the company. Investments.

7. *And be it enacted*, That it shall be the duty of the board of directors to arrange in classes, divisions and series having regard to the age of the applicants for insurance; also, to establish the rates of admission to membership, and make insurance upon such plans and conditions as they may deem expedient, and to take for insurance such premium notes, or other securities as they may think proper for the careful and well management of the corporation; and they may fix such annual fees to be paid by the members, and may make such assessments for the use of the company to pay losses, and necessary expenses of the corporation, such assessments to be made upon the conditions prescribed by the by-laws of the company; and any person insured, having due notice of an assessment, or annual fee being due, who shall refuse or neglect to pay the same to the treasurer, secretary, or the person named as collector in said notice, for the space of thirty days from the date of the notice, then said person shall no longer be taken as a member of said corporation, and all his or her interests in the funds of the company shall revert to the company, and all their policies of insurance shall become void, and the assessment notes, and all obligations held by the company against the parties refusing to pay their annual fee, or the assessments made according to the terms of the by-laws, shall become due and collectable in any court of law having competent jurisdiction; a written or printed notice of any assessment, or of an annual fee being due, deposited in any post office, by any officer of the company, or by their orders, and directed to the person so assessed, at the post office designated by said person, or nearest to his or her place of residence, shall be Directors, powers and duties. Membership may be forfeited.

taken and considered a legal notice; but in case of forfeiture for want of payment, the directors, at their discretion, may restore such delinquent to membership, if they are satisfied that the delinquency was not intentional.

Quorum.

8. *And be it enacted*, That a majority of the directors shall constitute a quorum to transact business, and they may appoint a finance committee, and such other committees as may be necessary to carry on the work or business of the company, and their acts shall be subject to the approval or disapproval of the board of directors; in case any person elected or appointed as an officer of the company shall neglect to take the prescribed oath or affirmation, for the space of sixty days, such election or appointment may be considered void, and the vacancy be filled by the other directors.

Finance committee.

Vacancies.

First election.

9. *And be it enacted*, That the first election for directors by the members of the association shall be held on the first Tuesday of January, in the year of our Lord one thousand eight hundred and seventy-four, at such place in the town of Hackettstown as the directors may direct; and there shall be a meeting of the members of the company, for the election of directors, held on the first Tuesday in January in each and every year thereafter; which annual meetings shall be held in the town of Hackettstown, at such place as the directors shall direct; and in case it should so happen that an election should not be held on the day when, pursuant to this act, it ought to have been held, the corporation for that cause shall not be dissolved, but such an election may be held on some future day, upon a similar notice.

Subsequent elections.

Failure to elect shall not dissolve.

Officers, duty of.

10. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the company, attend the same and keep a correct record of the proceedings, and fill up all policies of insurance, or order the same to be done, and sign all policies, and transact such other business as shall devolve upon him by virtue of his office; the president, or in his absence the vice president, shall preside at all the meetings of the association, and sign all policies of insurance; the treasurer shall take charge of all funds coming to his hands, and invest the same as directed by the board of directors, or the finance committee, he shall not pay out any moneys for death losses, without the written order of the president and secretary, approved by the finance committee; the treasurer shall be required to make

Secretary.

President.

Treasurer.

an annual report to the directors at their meeting in January of each year, or at any time within thirty days after a written notice, he shall present his account and vouchers to the finance committee for examination and settlement; the secretary and treasurer shall transfer and deliver to their successors in office all the books, property and papers of the company, at the direction of the directors.

May borrow money.

11. *And be it enacted*, That the treasurer, by the direction of a majority of the directors, may borrow, if necessary, for the time being, such sum or sums of money, in the name of the association, to promptly pay such losses as may be necessary to pay, before the assessment may be collected; and the officers of the association shall be indemnified and saved harmless by the association, in and for giving and signing policies, and all other lawful acts done and performed by them, in pursuance of and by virtue of this act, and the by-laws of the association.

Notice of deaths.

Assessments.

Proviso.

12. *And be it enacted*, That it shall be the duty of the president or secretary, or either of them, or direct the same to be done, within twenty days after receiving due and legal notice of the death of any person insured, to give notice to the members of the company, of the loss accrued by the death, and of the amount of their assessment required to pay said loss; and within sixty days from the time that the notice of a loss by death shall be received by the company; *provided*, said notice be in accordance with the requirements of the by-laws of the corporation, in such cases made and provided; the treasurer shall, on the written order of the president and secretary, with the approval of the finance committee, pay over to the parties entitled to receive the insurance money, the amount due them according to the conditions of their policy.

Married women.

Proviso.

13. *And be it enacted*, That any married woman may, in her own name, or in the name of a third person, with his assent as her trustee, cause to be insured the life of her husband for her sole benefit, on such terms and conditions as may be agreed upon with the directors; and in case of her surviving her husband, the insurance money coming due, according to the conditions of the policy, shall be payable to her for her own use and benefit, free from her husband's creditors or legal representatives; *provided*, the amount paid for such insurance shall not exceed the sum of three hundred dollars per annum; and in case of the death of the

wife before the decease of her husband, the amount of the insurance may be made payable to her children for their use, if minors, to their legally appointed guardian, or to some other person or persons, or some benevolent object; the directors may also arrange their by-laws so that any person may insure the life of himself and his wife, or friend, in the same policy, and allow policies of insurance to be assigned as collateral, or otherwise; but no assignment shall be binding upon the company, until the same be approved in writing by the secretary, such approval to be noted on the books of the company and endorsed on the policy.

By-laws, &c.

14. *And be it enacted*, That the directors hereby appointed, or a majority of them, may meet at such time and place as may be expedient, for the purpose of adopting a code of by-laws for the management of the company, and for the transaction of such other business, relative to the organization of the company, as they may, at that time, deem proper.

May insure against accident.

15. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurance upon the lives of persons, and also to insure persons against accidents, on such terms and conditions as shall, from time to time, be ordered and provided for by the by-laws of the corporation.

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

Approved March 14, 1871.

CHAPTER CCXII.

An Act to incorporate the Hoboken Quartette Club, of the city of Hoboken.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Schoenfeld, Louis Budenbender, Frederick Neff, William Pior, George Passbach, Armin Hartmann, Hermann D. Busch, F. Charles Urchs, John Nagel, Henry F. C. Schlosser, John Greten and Christian Gall, their associates and successors be, and they are hereby constituted a body politic and corporate, in fact

and in name, by the name of "The Hoboken Quartette Club," to be located in the city of Hoboken, having for its object the promotion of artistic taste in general, and of vocal music in particular, by the practice and performance of sacred and secular music, and by the establishment of a school for the gratuitous instruction in singing and music, with power to take by purchase, devise or otherwise, and to hold, transfer, mortgage and convey such real and personal estate as shall be necessary or useful for the purposes of the corporation, not exceeding the sum of five thousand dollars. Title. Objects. Powers.

2. *And be it enacted*, That the said corporation shall have power to prescribe rules and regulations for its general government, for the admission and expulsion of members, for the election, term of service, number and duties of its officers, and for the direction and management of its affairs. Powers.

3. *And be it enacted*, That said corporation may, for the purpose of purchasing real estate and erecting the necessary buildings, issue shares in sums of not less than ten dollars, redeemable in twenty years or sooner, bearing interest at a rate not exceeding seven per centum per annum; said shares may be secured by mortgage or otherwise, at the option of the corporation. Shares.

4. *And be it enacted*, That the control and disposal of the funds, property and estate of said corporation, shall be vested in a board of not less than ten nor more than thirty trustees, of which board the president, vice president and secretary shall be members, all of whom shall be elected annually, at the time and in the manner provided for by the laws of said corporation, and shall hold office until their successors shall be elected; no trustee shall receive compensation for his services; and no person shall be entitled to a vote in said corporation unless duly elected a member thereof. Trustees. Officers.

5. *And be it enacted*, That this corporation shall possess the general powers and be subject to the restrictions contained in the act entitled "An act concerning Corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. General act extended to.

6. *And be it enacted*, That nothing in this act contained shall be so construed as to conflict with the laws of the United States or of this State. Not to conflict, &c.;

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

Approved March 14, 1871.

CHAPTER CCXIII.

An Act to authorize the Rector, Wardens and Vestrymen of St. Paul's Church, in Hoboken, to sell certain lands in the city of Hoboken.

Preamble.

WHEREAS, by a certain deed bearing date the first day of September, in the year one thousand eight hundred and sixty-seven, which deed is recorded in the Hudson county clerk's office, in liber 160 of deeds, on page 538, &c., Edgar Broadhead and Sarah Jane his wife, did grant, bargain, sell and convey certain lands in said deed mentioned and described, unto the said "The Rector, Wardens and Vestrymen of said Saint Paul's Church, in Hoboken," to have, and to hold the said premises forever, for the purpose of a rectory; AND WHEREAS, it is desirable to change the location of the rectory of said church, and with that object in view the said "The Rector, Wardens and Vestrymen of Saint Paul's Church, in Hoboken," have agreed to sell the said rectory and lands in said deed mentioned and described, and with the proceeds of such sale have agreed to purchase other lands in the city of Hoboken, for the purpose of a rectory for said church, and doubts having been suggested as to the power of said "The Rector, Wardens and Vestrymen of Saint Paul's Church, in Hoboken," to convey said lands and premises divested of and from said uses and trusts without legislative aid; for remedy whereof and to remove all and any such doubts,

May sell and convey lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Rector, Wardens and Vestrymen of Saint Paul's Church, in Hoboken," be and they hereby are fully authorized and empowered to grant, bargain, sell and convey by deed executed by the rector of said church, under their corporate seal, attested by their secretary, all the lands and premises described in said deed, made by said Edgar Broadhead and wife, together with the appurtenances thereto belonging, unto any purchaser or pur-

chasers thereof, and that such deed executed as aforesaid, shall convey to such purchaser or purchasers thereof, the fee simple, absolute, of, in and to said premises, freed and fully discharged of and from said use and trust, and from all and every use and trust mentioned and set forth in said deed, and such purchaser or purchasers, his and their heirs and assigns, shall be entitled to have and to hold said lands and premises with the appurtenances thereto, to his and their own benefit, use and behoof forever, as fully to all intents and purposes as if no such use and uses, trust and trusts had ever been created or imposed thereon.

2. *And be it enacted*, That the proceeds of the sale of said rectory and lands shall be applied by the said "The Rector, Wardens and Vestrymen of Saint Paul's Church, in Hoboken," to the purchase of other lands in said city, for the purpose of a rectory. Proceeds, how applied.

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

Approved March 14, 1871.

CHAPTER CCXIV.

A Further Supplement to the act entitled "An Act to incorporate the Proprietors of the Orange Cemetery, in the county of Essex," passed November the thirteenth, one thousand eight hundred and forty.

WHEREAS, almost the entire grounds of said cemetery have already been sold, the urgent necessity of the public demands that additional ground be purchased for burial purposes; AND WHEREAS, the funds of the company will not admit of an additional purchase, to the extent deemed desirable, at the present enhanced prices of land; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proprietors of said cemetery (now known as Rosedale Cemetery) be and are hereby authorized to issue the bonds of the company in May issue bonds.

New Jersey State Library

denominations of one hundred and five hundred dollars, to any amount not exceeding thirty thousand dollars, payable in ten years, with interest at seven per centum per annum, payable semi-annually, to be signed by the president and secretary, with the seal of the company attached; the said bonds to have coupons attached, payable at the office of the treasurer; the said bonds to be exempt from taxes, as burial grounds or cemeteries are now by law exempt.

Exempt from taxation.

Managers.

2. *And be it enacted*, That the proprietors of said cemetery may at their annual meetings elect nine instead of seven managers.

Penalty for injuring property.

3. *And be it enacted*, That if any person shall destroy or injure any fence of whatever description enclosing the grounds of the company, or any burial lot within the same, or shall destroy or injure any ornamental shrub or plant growing on the premises, he, she or they shall be liable for every such offence, to a penalty not exceeding the sum of twenty-five dollars, to be recovered, with costs, before any justice of the peace.

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

Approved March 14, 1871.

CHAPTER CCXV.

An Act to incorporate the Ironia Iron Company.

Corporators,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ario Pardee, Charles Borie, Daniel Budd, George Richards, Edmund Canfield, Jacob Vanatta and Aaron Wilhelm, and their associates, be and they are hereby created a body politic and corporate, in fact and law, by the name and style of "The Ironia Iron Company," for the purpose of mining and selling iron ores and other minerals, and smelting, manufacturing and selling the same, and carrying on the business incident thereto; and for such purposes the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of two hundred thousand dollars, to be divided

Title,

Objects.

Capital stock.

into shares of fifty dollars each, with the privilege of increasing the same, from time to time, to any sum not exceeding five hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, in whole or in part payment, for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

When may begin business.

2. *And be it enacted*, That the said corporation may commence business as soon as fifty thousand dollars are subscribed, and may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation; and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money, and issue bonds therefor, to such amount as they may deem expedient, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this State.

May issue bonds.

Directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; a majority of the directors shall, on all occasions, when assembled, at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Term of office of.

Quorum.

Vacancies.

Failure to elect shall not dissolve.

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

Annual statement.

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

Meetings and officers.

6. *And be it enacted*, That the meeting of the directors shall be held at such time and place as the board of directors or their by-laws shall, from time to time designate; but the corporation shall keep an office in the county of Morris, and shall there have such books of account as may be necessary to afford full information of its transactions, which shall always be open at reasonable hours for the inspection of the stockholders, and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of stock in all elections and other meetings submitted to the decision of the stockholders of said corporation; and that the said company may, in addition to their office in the county of Morris, have and maintain an office in the city of Philadelphia, for the transaction of business, the transfer of stock, and the meeting of directors and stockholders of the said company.

Powers.

7. *And be it enacted*, That the said company shall have the power to build railroad tracks from their works to such mines as they shall own in the vicinity thereof, in the county of Morris, and for the purpose of building such roads they may avail themselves of the powers and privileges conferred upon the Ferromonte railroad company, by an act approved March twenty-fourth, eighteen hundred and sixty-nine, and the various supplements thereto.

May be dissolved.

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

Proviso.

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

Approved March 15, 1871.

CHAPTER CCXVI.

An Act to incorporate the Guarantee, Loan and Trust Company, of the State of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert S. Dumont, H. Toler Booraem, Frederick B. Betts, William A. Wales, J. C. Morris, and such other persons as may be associated with them, and their successors, are hereby constituted a body corporate under the name of "The Guarantee, Loan and Trust Company, of the State of New Jersey," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as are hereinafter provided.

Title.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be the sum of one hundred thousand dollars, in shares of one hundred dollars each; but the said company may, at any time, increase the amount of said capital stock to an amount not exceeding the sum of five hundred thousand dollars, in shares of one hundred dollars each; and the said company shall be authorized to organize and proceed to business under this act, when subscriptions to its capital stock shall have been actually made and paid in to the amount of fifty thousand dollars.

May be increased.

When may begin business.

Certificates.

3. *And be it enacted*, That when the sum of fifty thousand dollars of said capital stock shall have been subscribed, and paid in cash, as required by section two, the said company shall issue certificates for such portion of said capital stock, and from time to time, as any other amount may be subscribed and paid for in cash, in like manner other certificates shall be issued as provided in section two.

Legal depository.

4. *And be it enacted*, That this company shall be a legal depository for all trust moneys and money paid into court, and shall be authorized to pay interest on the same at such rate as may be agreed upon, but not in any case to exceed the rate of six per centum per annum; the company incorporated under this act shall have power to guarantee the payment, punctual performance and collection of contracts,

Powers and privileges.

promissory notes, bills of exchange, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon consignment, storage, deposit or otherwise, money, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other property, and to take the management, custody and charge of real and personal estate and property, and to sell on commission, and to advance money, securities and credits upon any property, real or personal, on such terms as may be established by the directors of said company, but no rate of interest to exceed seven per centum per annum shall be charged or received by said company in any transaction.

May hold and convey lands.

5. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey all such real or personal property as may be necessary to carry on the business of said company, as well as such real and personal estate as the directors of said company may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property, as they may determine, that the interests of the said company require, and the said company is hereby authorized to make, execute and issue, in the transaction of their necessary business, all necessary receipts, certificates and contracts, which said receipts, certificates and contracts, shall bear the impress of the stamp or seal of the company, and shall be signed by the president, or vice president, and countersigned by the secretary of said company.

May act as trustee.

6. *And be it enacted*, That this company shall be authorized and empowered to act and to serve as guardian or trustee of any infant or other ward, in any case where an orphans' court, or other court, officer or person may legally appoint or authorize the appointment of a guardian, or trustee; and

Pay interest on deposits.

it shall be lawful for said company to pay interest on such trust money or moneys paid into court, which may be deposited with such company, at such rates as may be agreed upon, but not in any case to exceed the rate of six per centum per annum; in case no agreement as to the rate of interest shall have been made at the time of depositing such

money, interest on the same shall be computed and paid at the rate of fonr per centum per annum.

May sell property.

7. *And be it enacted*, That it shall be lawful for the company incorporated by this act, to sell either at public auction, or by private sale, as may be specified, in respect to such sale, in any contract between the parties, all property, of what kind soever, mentioned in or affected by such contract, after two months shall have elapsed from the time of the maturity of any obligation of payment created by or recited in such contract, or immediately upon the discovery of any fraud, misrepresentation, or concealment in regard to the ownership or character of the property mentioned in or affected by such contract, and reimburse themselves out of the avails of such sales for the moneys due them with the interest, costs and charges; *provided, however*, that nothing in this section shall be construed to prevent the said company from making any such sale at such time as may be provided for in any contract or agreement made by any person, persons or association with the said company.

Proviso.

Property deposited.

8. *And be it enacted*, That in case any property deposited with said company, upon which an advance shall have been made by them, shall, before the maturity of the contract, from any cause, decrease in value from the price originally fixed, said company may give notice in writing to the owner of such property, or his agent, at their respective places of business or residence, or through the post office, to perform the conditions of the contract, or make good the deficiency caused by such decrease of value, within thirty days, and, in default thereof, may sell and dispose of such property at public sale, and out of the proceeds thereof, may retain the amount due them under the contract, together with the costs, charges and expenses; but nothing in this act contained shall be held or construed to limit or affect the liability or obligation of the corporation hereby created, as the same is fixed by the common law or by statute, any farther than the same is limited or affected by the express terms of the contract in this section mentioned; also, this company is authorized and empowered to act as the financial agent of any other corporation or association, to register guarantee or countersign the certificates of stocks, bonds or other evidences of debt of any such corporation or association, and to negotiate, sell and dispose of the same; also, to negotiate commercial paper.

In case of decrease in value.

May act as financial agent.

Directors.

9. *And be it enacted*, That the business and corporate powers of the company incorporated under this act shall be exercised by a board of ten directors, to be chosen as hereinafter provided, who shall elect from their number a president, and seven of which directors shall constitute a quorum for the transaction of business; the said board shall appoint two other officers, to be designated respectively, the vice president and secretary, which officer last named shall not be a director of said company.

Officers.

Books of subscription.

10. *And be it enacted*, That Robert S. Dumont, H. Toler, Booream and J. Champlin Morris, shall be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company at such times and places as they or a majority of them shall deem proper, or for such amount as in their judgment the business of the said company may require, but for no less amount than twenty thousand dollars, and in case at any time after said company shall have been organized and commenced business, it shall be determined by the board of directors that any additional amount of capital, not exceeding the amount authorized by this act, is required for the proper transaction of the business of the company, then the said directors or a majority of them, are authorized to receive such additional subscriptions from time to time, until the whole amount authorized by this act shall have been subscribed to the capital stock; and as any part of such amount shall be subscribed and paid for, the said company shall issue a certificate or certificates to each subscriber to said capital stock, showing the number of shares he or she is entitled to in said company.

Subscriptions to.

Certificates.

First directors.

11. *And be it enacted*, That the persons named in the first section of this act shall be directors of said company for three years from the time of the organization of said company and until others shall be elected in their stead; the remaining directors for the same period shall be elected by a majority in interest of the stockholders voting, at an election to be held under the inspection of said commissioners above named, within twenty days from the closing of the subscription called for by them, and all the directors must be stockholders in said company; at the expiration of three years from the time of the organization of the company, an election shall be held for ten directors of said company to serve for three years thence next ensuing, and every three

Subsequent directors.

years thereafter an election shall be held for the same number of directors for the same periods; at all elections each stockholder shall be entitled to one vote on each share of stock held by him or her in said company; in case of the death or resignation of a director before the expiration of the term for which he was elected or appointed, the remaining directors shall be and they are hereby authorized and empowered to select some one among the stockholders to serve as director for the unexpired portion of the term of the retiring or deceased director. Vacancies.

12. *And be it enacted*, That the capital of the company incorporated by this act may be invested upon bonds and mortgages and in stocks of the United States, or of the States of New Jersey and New York, or of counties in the State of New Jersey, or on loans made on such stocks or bonds as collateral security; in case of any investment upon bond and mortgage, such mortgage shall be upon real estate in the State of New Jersey, worth not less than double the amount loaned or advanced on such mortgage. Investments.

13. *And be it enacted*, That the corporation hereby created shall have all the privileges, and all the corporate powers given and conferred by this act in case it shall organize and commence the transaction of business at any time within two years from the date of the passage of this act. When may begin business.

14. *And be it enacted*, That the stock of said company shall be transferable only on the books of said company. Stock transferable.

15. *And be it enacted*, That the principal place of business of said company shall be in the county of Morris, in the State of New Jersey. Place of business.

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

Approved March 15, 1871.

CHAPTER CCXVII.

A Further Supplement to the act entitled "An act to incorporate the city of Millville," approved February twenty-sixth, one thousand eight hundred and sixty-six.

Term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the said city of Millville, elected on the fourteenth day of March, one thousand eight hundred and seventy-one, shall hold his office for the term of three years from the date of his qualification as

Salary.

mayor, and shall receive an annual salary of three hundred dollars, in quarterly payments, and the term of office for which the mayor of said city shall hereafter be elected, shall be three years.

Shall give bond.

2. *And be it enacted*, That the mayor of the city of Millville, elected on the fourteenth day of March, one thousand eight hundred and seventy-one, and every mayor of said city hereafter elected shall, on or before the first day of April next after his qualification as mayor, give bond with sufficient sureties, to be approved by the common council of the city, in the sum of three thousand dollars, payable to the

Condition.

city of Millville, with condition for the faithful performance of the duties of his office, and the rendering of a just and true account to the common council of said city when by them thereunto required, of all the moneys, securities, or other property of the said city which shall come to his hands or be committed to his charge, and the delivery of all moneys, securities and other property of the said city in his hands, together with all documents, instruments of writing and books belonging to the said city, to his successor in office.

Marshal and constables to be appointed.

3. *And be it enacted*, That hereafter the marshal of the said city of Millville, and the constables of the several wards thereof, shall not be elected at the annual election for other officers of the city, but shall be appointed by the mayor and common council, and be liable to removal from office at any time by the said mayor and common council for neglect of duty or for any other cause.

4. *And be it enacted*, That all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 15, 1871.

CHAPTER CCXVIII.

An act to facilitate Judicial Proceedings in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas, orphans' court, oyer and terminer, and general quarter sessions of the peace, in and for the county of Sussex, shall hereafter consist of three judges in addition to the justice of the supreme court holding the circuit for said county, one of which judges shall be an attorney at law, and shall be known as the president judge of the said courts, and shall hold the office for the term of five years. President judge.

2. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, such judge, who shall be an attorney at law, shall be the president judge of the court of common pleas, orphans' court, oyer and terminer and general quarter sessions of the peace for said county. When shall preside.

3. *And be it enacted*, That such president judge shall receive a salary of one thousand dollars per annum to be paid by the board of chosen freeholders of said county, in quarterly payments, but to receive no other compensation whatever; said president judge may practice law in all the courts in this state in which he is authorized to practice, except such courts of which he is a judge. Salary. May practice law.

4. *And be it enacted*, That the court of common pleas, orphans' court, oyer and terminer and general quarter sessions of the peace for said county of Sussex, may hold adjourned and special terms, under the same regulations already provided by statute in case of the circuit court. Adjourned and special terms.

5. *And be it enacted*, That indictments for crimes within the jurisdiction of the court of general quarter sessions of the peace, shall be handed down by the court of oyer and terminer and general jail delivery unto and tried in the said court of general quarter sessions of the peace, whenever said court of oyer and terminer and general jail delivery shall deem it necessary, in order to expedite business and to deliver the jail. Indictments may be handed down.

6. *And be it enacted*, That whenever any person shall be charged upon oath before any justice of the peace, or police justice, or any other officer authorized by law to hear said charge in the county of Sussex, with any offence now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the presiding judge of the court of common pleas of said county shall think the public interest will be benefitted by denying said request, to apply to the president judge of the said court of common pleas for the immediate trial of said person, and said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and one other judge of said court, (if said president judge shall think it necessary to call him) to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public interest and the possibility of obtaining necessary witnesses; and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court, he or she shall be forthwith discharged; if he or she shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged and to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, the accusation, plea, trial and sentence shall be in conformity with

Person accused may waive indictment.

In that case, how tried.

Prosecutor, duty of.

law and the practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court, under this act, shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, except as herein otherwise provided. Costs.

7. *And be it enacted*, That ten dollars shall be taxed for the prosecutor's fees as part of the costs aforesaid, in each indictment disposed of under this act, whether a conviction of any person accused shall be had or not. Prosecutor's fees.

8. *And be it enacted*, That the clerk of the said county shall be clerk of the court hereby provided for, and shall issue all process, whether of capias, subpœna or execution, which shall be required in carrying out the provisions of this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore; and said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court as heretofore. Clerk. Sheriff, duty of.

9. *And be it enacted*, That the justice of the supreme court who shall hold the circuit court for said county, or the president judge of the court of common pleas for said county, may appoint a competent person as stenographic reporter, whose duty it shall be to take minutes of, and report the proceedings and trials to be had in the supreme court circuit, circuit court, courts of oyer and terminer and general jail delivery, and general quarter sessions of the peace, at the regular or special terms thereof, as shall be directed by the said supreme court justice or president judge of the court of common pleas, and such reporter shall be paid by the county collector of said county such compensation as shall be certified by said justice or judge to be proper, but not to exceed ten dollars per day for each day he shall be employed. Stenographer may be appointed. Compensation

10. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be hereby repealed. Repealer.

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

Approved March 15, 1871.

CHAPTER CCXXI.

An Act to incorporate The Home for Aged Women, in the city of Elizabeth.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mrs. James G. Edgar, Mrs. James G. Nuttman, Mrs. John F. Pingry, Mrs. Elihu Brittain, Mrs. John E. Keeler, Mrs. John Hoyt, Mrs. William H. Bates, Mrs. Henry Smith, Mrs. E. G. Brown, Mrs. Stephen W. Waterberry, Mrs. Robert W. Townley, Mrs. Alfred Chester, Mrs. Aaron Q. Thompson, Mrs. J. O. Stearns, Mrs. John A. Wilson, Mrs. Richard T. Haines, Mrs. William B. Tucker, Mrs. E. J. Murray, Mrs. Joseph A. Davis, Mrs. William W. Crane, Mrs. H. D. H. Snyder, Mrs. A. R. Corbin, Mrs. Thomas E. Carlton, Mrs. Samuel H. Pendleton, Mrs. Maria Brandigee, Miss Jane E. Kemble, Miss Mary J. Chetwood, and their successors, shall be and they are hereby constituted a body corporate and politic, by

Title.

the name of "The Home for Aged Women, in the city of Elizabeth."

Managers.

2. *And be it enacted*, That the business of the said corporation shall be managed by a board of twenty-seven managers, who shall elect from their own number, their own

Officers.

presiding officer, and such other officers as they may see fit, designating them by such names as they may by their by-laws prescribe; seven of said managers shall form a

Quorum.

quorum for the transaction of business, except for filling vacancies in their board, as hereinafter provided.

First managers.

3. *And be it enacted*, That the persons named in the foregoing first section shall be the first managers, and all vacancies in said board, however occurring, shall be filled, by a majority of the remaining managers; a continuous absence of six months from the regular meetings of said

Vacancy.

board, may constitute a vacancy therein, at its discretion to be filled by a like vote.

May hold real and personal property.

4. *And be it enacted*, That said corporation are hereby authorized to take and hold, by gift, purchase, devise, or otherwise, real and personal property for the purposes of

said home, as hereinafter provided; but not to exceed five hundred thousand dollars; and may sell, transfer and convey the same; and such real and personal property shall be free from taxation or assessment, whether State, municipal or otherwise, while devoted to the specific purposes of this act.

Objects.

5. *And be it enacted*, That the general purposes of said corporation shall be to provide a home for aged and infirm females.

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

Approved March 15, 1871.

CHAPTER CCXXII.

A Supplement to "An act to incorporate The Mercer and Somerset Railway Company," approved March seventeenth, one thousand eight hundred and seventy.

Assessments now made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners who have been or shall be appointed, pursuant to the provisions of the seventh section of the act to which this is a supplement, to assess the price and value of lands required by the said The Mercer and Somerset Railway Company, for its uses and purposes, shall assess, as well, the damages which the owners of said lands shall sustain by reason of the use and occupation of said lands by the said company, and shall make an award for the same; and in making such award they shall include in their estimate of said damages the cost of making, erecting and maintaining fences along the lands aforesaid; and upon the making of such award and the payment or tender of payment thereof to said land owners, it shall become the duty of said land owners to make, erect and maintain said fences.

Company may take possession of lands.

2. *And be it enacted*, That when the said commissioners shall estimate and make an award for the price and value

of said lands, and the damages, as aforesaid, pursuant to the provisions of this act, and of the act to which this is a supplement, it shall be lawful for the said company, upon tender of payment of such award to the said land owners, and upon depositing the amount of said award, if said tender be refused, with the clerk of the county in which said lands are situate, immediately to enter upon and take possession of said lands for the uses and purposes contemplated in the act to which this is a supplement.

Repealer.

3. *And be it enacted*, That so much of the act to which this is a supplement, as is inconsistent with this act, be and the same is hereby repealed; *provided, nevertheless*, that the right of the said company, and of the said land owners to appeal from the award of the said commissioners, shall not in any wise be altered or abridged.

Proviso.

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

Approved March 17, 1871.

CHAPTER CCXXIII.

A Further Supplement to an act entitled "An act to incorporate the city of Burlington," approved the fourth day of March, one thousand eight hundred and fifty-one, and the supplement thereto, approved the twenty-sixth day of March, one thousand eight hundred sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of said city shall consist of twelve members, who shall be elected at the next charter election of said city, after the passage of this act, which said members of common council shall, at their first meeting, divide themselves into two classes by lot; the seat of the first class of six shall be vacated at the expiration of the first year, and of the second class of six at the expiration of the second year, so that six members of common council shall be chosen at each and every annual election thereafter to take the place of the six whose term of service shall then expire.

Common Council.

2. *And be it enacted*, That it shall and may be lawful for the common council of said city hereafter, to order and cause to be assessed and raised by tax in any one year, such sum or sums of money, not exceeding the sum of twelve thousand dollars, as they shall deem expedient, for the current expenses of said city, and for all other objects and purposes, and in such manner as is set forth in the twenty-seventh section of the aforesaid act of incorporation; that said common council shall annually appropriate from said money, so as aforesaid assessed and raised, the sum of two thousand dollars, the same to be applied to the payment and redemption of the indebtedness of said city; and that it shall not be lawful for the said common council to borrow any sum or sums of money for the uses of said city, unless the same shall be approved of by vote of a town meeting, held by virtue of the twenty-eighth section of the said act of incorporation.

Taxes for current expenses.

Indebtedness how paid.

Loans to be approved.

3. *And be it enacted*, That the common council, by a majority of the whole number of members, shall annually hereafter appoint at their first stated meeting in April, a city clerk and a street commissioner, who shall serve for one year, unless sooner removed by order of council.

City clerk and street commissioner.

4. *And be it enacted*, That the city treasurer shall cause his account with said city to be so kept that the receipts and appropriations and the expenditures thereof shall appear in his quarterly and annual reports under their proper heads; that no money shall be paid out of the treasury except by warrant, signed by the president of common council, and countersigned by the city clerk, except for the payment of bonds of the said city and the interest thereon; 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 thereof, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; and it shall be the duty of the city clerk, before he shall deliver any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called the warrant book, opposite to said warrant, the number, date and amount of the same, the date of the order or resolution authorizing it drawn, the purpose for which it was ordered, and the name

City treasurer, duty of.

Payments how made.

Warrants to be numbered.

of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of the said marginal entry for said warrant.

Estimate to be furnished.

5. *And be it enacted*, That the finance committee of said common council shall annually, at the stated meeting in May of said common council, furnish said common council for their approval, an estimate of the receipts and expenses of said city for the ensuing fiscal year, and such estimate shall set forth in detail the several amounts required by the several committees appointed by said common council for the maintenance and support of the purposes which they may respectively have in charge.

Vacancies.

6. *And be it enacted*, That whenever a vacancy may occur in the members of common council by death, resignation, removal or otherwise, it shall be filled for the unexpired term thereof, at the next annual city election thereafter; that whenever a vacancy may occur in the office of mayor, or two or more vacancies may occur in the members of common council, from any of the aforesaid causes, the president of common council shall appoint a special election to be held to supply such vacancy or vacancies for the unexpired term or terms thereof, of which special election the same notice shall be given, as is required by the said act of incorporation to be given at the annual city election, and such special election shall be conducted in the manner prescribed in the said act of incorporation and the supplements thereto for the conducting the annual city election; *provided*, that no person or persons shall be permitted to vote at such special election whose name is not registered on the lists of voters used at the preceding annual city election.

Proviso.

Repealer.

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

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

Approved March 20, 1871.

CHAPTER CXXIV.

An Act to incorporate the Cohansey Bank of Bridgeton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles C. Grosscup, John S. Mitchell, Jacob Kienzle, Thomas U. Harris, Samuel E. McGear, William Dare, George Donaghey, Benjamin T. Bright, Leaming Blew, Isaac M. Smalley, Daniel M. Sheppard, Ercurius B. Fithian, Harris Ogden, Junior, Ephraim Bateman, M. D., Arthur Davis, Dayton B. Whitaker, Martin Anderson, Clement J. Lee, Lewis M. Hires and their associates, be and they are hereby created a body politic and corporate, by the name of "The Cohansey Bank of Bridgeton," and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, and gold or silver bullion, and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be purchased upon judgment or execution for the purpose of securing or obtaining payment of any debt or debts due to said corporation. Corporators. Title. Proviso.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with liberty to increase it to two hundred and fifty thousand dollars, and shall be divided in shares of one hundred dollars each; that Charles C. Grosscup, John S. Mitchell, Jacob Kienzle, William Dare, Dayton B. Whitaker, Leaming Blew, Daniel M. Sheppard, Ephraim Bateman, M. D., and Clement J. Lee, or a majority of them, shall be and they are hereby appointed commissioners to open at the city of Bridgeton, a book of subscriptions for and to receive subscriptions to said capital stock, giving at least ten days' notice in a newspaper printed in the county of Cumberland, of the time and place of receiving said subscriptions; that the said books, after Capital stock. Books of subscription.

having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before twenty-five thousand dollars shall be actually paid in cash.

When may begin business.

Directors.

Quorum.

Oath of office.

Annual election.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that said directors shall be stockholders and residents of this State, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday in January, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by an advertisement in one or more of the newspapers published in the county of Cumberland; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days at least next preceding such election; that for the well-ordering of said election, the board of directors shall previously thereto, appoint three stockholders not being directors to be judges thereof, who shall conduct said election, and determine the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, having the highest number of votes, as many as may be required to make up the full number of nine directors; and the directors so selected shall, at the first meeting thereafter when a quorum shall be present,

Tie vote.

elect one of their number to be president, as well of their board as of the said corporation; and whenever a vacancy shall occur in said board of directors, by death or otherwise, such vacancy may be filled for the remainder of the year, by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed to be dissolved, but an election for directors shall in such case be held as soon as conveniently may be thereafter upon like notice as above directed, and at the place and in the mode above specified. Officers. Failure to elect shall not dissolve.

4. *And be it enacted*, That as soon as conveniently may be after the sum of twenty-five thousand dollars of said capital stock is subscribed, and actually paid in cash, the said commissioners, or a majority of them, shall call a meeting of the said subscribers to said capital stock in the city of Bridgeton, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting, by advertisement in a newspaper published in the county of Cumberland; and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy being entitled to one vote for each share of stock respectively subscribed for by them; and said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys shall be full and absolute acquittance and discharge therefor, and said board of directors shall hold their offices until the second Tuesday in January, in the year following their election and until their successors are chosen and qualified. First election. President. Cashier. Commissioners to pay over funds.

Capital stock personal property.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this State are liable to, and the real estate of said corporation may be taxed as other lands in this State are or may be taxed; and

Directors, powers of.

that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made

Proviso.

and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payments of said instalments shall be given by advertising in at least two papers published in the county of Cumberland, and that no instalment of more than twenty-five dollars on each share shall be called in at one time, nor shall said instalments be required to be paid within less than twenty days of each other.

Cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable however to be removed and another appointed in his place at the pleasure of the said board of directors; and on such appointment or re-appointment the said cashier shall, before

Oath of.

entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall

Bond of.

give bond with good and sufficient security to be approved by the board of directors, in the penal sum of at least thirty thousand dollars, conditioned for the faithful performance of his duties as a cashier of said bank.

Bills and notes.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation which shall be made for the payment of money to any person or persons, and his, her and their assignee or assignees, and all bills or notes,

bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be demandable and payable at the banking house of said corporation.

Dividends. 8. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capial stock.

Discount. 9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this State for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange and the purchase and sale thereof.

Proviso.

Transfer of stock. 10. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts due to the said bank or who is the drawer or endorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Must redeem notes. 11. *And be it enacted* That if at any time the said corporation shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplement thereto, approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act.

Proviso,

In case of insolvency. 12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent, shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof, and in case of the assets of said corporation among

the creditors thereof, under the order or decree of the court of chancery or other court, the holder of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

Directors shall be residents.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this State, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally

May be prosecuted.

prosecuted at law or in equity by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their individual capacity; and it shall not be lawful for any director of said corpora-

In case of resignation, liability to continue.

tion to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted, and such liability of directors shall continue after they have ceased to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other

Proviso.

joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on, taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Distribution of property.

14. *And be it enacted*, That if the assets of said corporation, and the property of said directors shall prove insufficient to redeem the whole of said notes and bills, then the amount that shall or may be realized from said assets and property shall be distributed equally among the holders of the said bills and notes.

Stockholders liable.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property

of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said directors shall be made liable to an amount exceeding the par value of the stock held by him at the time said incorporation became insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability. Proviso.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit in, under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the number and denominations thereof. Declaration in case of action. Proviso.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in, and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year nor more than five years, in the discretion of the court. Amount of bills and notes.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Mondays of January, April, July and October, in each year, after commencing the business of banking, to publish in one or more of the newspapers published in the city of Bridgeton, a statement under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be, with the annual statement now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully, and falsely swear or affirm to any such statement he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof. Annual statements.

When may issue bills, &c.

19. *And be it enacted*, That it shall not be lawful for said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state, stating that one hundred thousand dollars of the capital stock of said corporation have been subscribed for and paid in conformably to the provisions of this act.

Public act, &c.

20. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately, and continue in force for twenty years, but it shall be lawful for the Legislature at any time hereafter to alter, modify or repeal the same whenever in their opinion the public good shall require it.

Approved March 21, 1871.

CHAPTER CCXXV.

A Supplement to the act entitled "An act to incorporate the Hoboken Homestead Association," approved February twenty-fourth, one thousand eight hundred and sixty-nine.

WHEREAS, doubts have arisen as to the general objects of incorporating the said association; therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the general objects of said association are to aid its members and stockholders in acquiring homesteads, and in saving and accumulating funds for that purpose; and that the said association shall have power to acquire, hold, use, mortgage, lease, sell or otherwise dispose of real and personal property; and to borrow and lend money on mortgage, or other evidence of indebtedness; and to do all other lawful acts necessary or proper for the accomplishment of said objects.

Objects.

Powers.

Repealer.

2. *And be it enacted*, That all acts or parts of acts not consistent with the foregoing provisions of this act, be and are hereby repealed.

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

Approved March 21, 1871.

CHAPTER CCXXVI.

An Act to incorporate the Woodstown and Swedesboro' Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin L. Tyler, Joseph K. Riley, Isaiah D. Clawson, Isaac V. Dickinson, Samuel H. Weatherby, Jesse Lippincott, Josiah Davis, James C. Pancoast, John Haines, David B. Gill, Daniel Mead, William String and John W. Dickinson, and such other persons as may be hereafter associated with them, shall be and are hereby constituted, ordained and declared to be a body politic and corporate, in fact and in law, by the name of the "Woodstown and Swedesboro' Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this corporation. Corporators. Title.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in a newspaper published in the county of Salem, and that at the time of subscribing five per centum shall be paid for each share subscribed for, to the commissioners or some one of them, and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this State; and such election shall be made at the time and place appointed, by such of the stock- Books of subscription. Directors. First election of.

holders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this State; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President.

Vacancy.

Failure to elect shall not dissolve.

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

Quorum.

Powers.

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

and to establish such salaries to them, and also to the president, as to the said board shall appear proper.

May build railroad, erect works, &c.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near the village of Woodstown, in the county of Salem, to connect with the Swedesboro' railroad, at or near Swedesboro', in the county of Gloucester, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of such railroad and locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property, and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers. superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided, always*, that the payment or tender of 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 purposes of surveying and laying out the said road, unless the consent of the owner or owners of such land be first had and obtained.

When may begin.

Proviso.

In case of failure to agree as to price of lands &c.

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 the legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company

in the construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause the said company to give notice in writing thereof to the persons interested, if known and in this State, or if unknown and out of this State, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the

Commissioners.

appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of

Shall take an oath.

said commissioners, (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages, as shall be paid by the company for such lands and materials and damages aforesaid, which

Report.

report shall be made, in writing, under the hands and seals

File same.

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 situated, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold,

Occupation and compensation.

use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of the

said valuation with interest and costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section as they or he shall think equitable and just, which shall be paid by the company; *provided, always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Costs and expenses.

Proviso.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the same issue to be tried at the next term of said court, to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials, and the damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have

In case of appeal.

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

Proviso.

Proviso.

Bridges and wagon-ways.

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

Real estate, may hold.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termination of their railroad, and at any intermediate depot upon the line of the same, at each place so much as may be strictly necessary for their convenience and use, and may erect and build thereon houses, warehouses, stables, machine

shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, the said company whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges with suitable and sufficient draws so as not to obstruct the navigation thereof. Proviso.

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

12. *And be it enacted*, That the president and directors of the company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or other vehicles for the transportation of persons or any species of property on the railroad as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of four cents per mile for carrying each passenger on the said railroad, or at the rate of six cents per ton per mile for the transportation of every species of merchandise, produce, property and freight, excepting freight of less weight than one ton. Engines, cars, &c. Proviso.

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

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

New Jersey State Library

Statement of costs to be filed.

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

Report.

May borrow money and issue bonds.

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 payment thereof by bond and mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this State against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

West Jersey railroad company may endorse bonds.

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

Limitation.

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

Officers to travel free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors 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 the terms for which they are elected or appointed; also the superintendent of public schools shall pass and repass on the railroad of said company, in their cars, free of charge.

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

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

Approved March 21, 1871.

CHAPTER CCXXVII.

An Act to incorporate the Orange Market Company of the town of Orange.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Mohor, Dwight M. Babcock, James H. Hazard, Isaac C. Babcock, William Corporators.

Pierson, junior, and Jared B. Porter and the survivors of them and their associates, be and are hereby created a body corporate, in fact and in law, by the name of "The Orange Market Company," and by that name shall have continued succession, and have power and authority to purchase, lease, mortgage and convey any real estate in the town of Orange, in the county of Essex, and thereon to build, fit up or alter any market house or houses, and to buy and sell all kinds of foreign and domestic meats, fish, fruits, vegetables, groceries, produce and other articles and commodities; and shall have such other powers as may be necessary to carry into effect the object of this act.

Title.

Powers.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with power to increase the same from time to time as the directors may elect, to any sum not exceeding two hundred thousand dollars; that the persons named in the first section of this act may open books of subscription and receive subscriptions to such capital stock, at such time or times, and in such manner and to such extent, not exceeding the amount herein authorized, as they shall deem proper; any real estate or property necessary or proper for the use of said company, may be received in payment of subscriptions for such stock, at such valuation as the said persons or the directors of said company, or a majority of them, shall approve; and whenever the said capital stock shall be paid, or secured to be paid, to the extent called for, the said company may commence business.

Books of subscription.

When may begin business.

Directors.

3. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of not less than three nor more than six directors, being stockholders, one of whom shall be president, to be appointed by the directors; after the first election to be held under this act, the directors shall hold their office for one year, and until others shall be elected in their stead; the directors shall be chosen annually, on the second Monday of January, or on such other day and at such place in the town of Orange, as the directors shall, by their by-laws or otherwise, from time to time appoint, upon at least ten days' previous notice of such time and place being published in one or more of the newspapers of said city, by such of the stockholders as shall attend for the purpose, either in

Term of office of.

person or by proxy, each share of stock being entitled to one vote, the directors may appoint such officers, superintendents, clerks and agents, and fix their compensation, as a majority of them shall determine; and if any vacancy, by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors or a majority of them; and the said Michael Mohor, Dwight M. Babcock, James H. Hazard, Isaac C. Babcock, William Pierson, junior, and Jared B. Porter shall be the first directors of said company, and shall serve as such until their successors are legally chosen at an annual election, as herein provided.

Officers.

Vacancies.

First directors.

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock the amount subscribed by them, at such times and in such proportions as they shall deem proper; and if default be made in payment of such subscriptions, as the same shall be called in, for thirty days after demand thereof by service of notice upon the subscribers, requiring such payment, or by publication thereof in one or more of the newspapers of the town of Orange, the directors may also forfeit the shares so in default, with all previous payments made thereon.

Stock may be forfeited.

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

Failure to elect shall not dissolve.

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

Quorum.

Powers.

Proviso.

7. *And be it enacted*, That the stock and property of the said corporation of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe; but no trans-

Stock transferable.

fer of stock shall be valid until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose, and no dividends shall be declared except out of the net profits of the corporation.

Dividends.

May be dissolved

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

Proviso.

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

Approved March 21, 1871.

CHAPTER CCXXVIII.

An Act to incorporate the Union Cemetery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles A. Hunter, Job Male, Joseph W. Yates, Wallace Vail, William White, James Clark, Mahlon Vail, Enos W. Runyon, William L.

Corporators.

Jones, Nicholas W. West, and their associates, be and they are hereby made a body politic and corporate in law, by the name of "The Union Cemetery Company," with the general powers and privileges of a corporation. Title.

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 company; and the said corporation shall have power to purchase and hold, in fee, a tract of land not exceeding two hundred acres, not more than four miles from the city of Plainfield, in the county of Union, for the purpose of a cemetery; and to lay out and divide such tract as may be purchased into sub-lots, and to sell and dispose thereof for the purposes of burial only, subject to such conditions, regulations and restrictions as may be established by said corporation; and shall have power to erect on said land, such buildings and other accommodations as the managers may deem suitable and necessary for the uses and purposes of the cemetery; and may make good and sufficient deed or deeds of conveyance to purchasers of sub-lots or plots, under their corporate seal, signed by the president and secretary, with the privilege of the several avenues, walks, passages, and other accommodations therein and thereunto belonging; and transfers of sub-lots or rights thereunto may be made by the owner or owners thereof by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said corporation. Who to compose. Powers.

3. *And be it enacted*, That the affairs of the said corporation shall be managed by a board of not less than seven nor more than nine managers; the first board shall be composed of the persons above named as corporators, whose term of office shall continue until the first Monday in March, in the year one thousand eight hundred and seventy-two, on which day, and annually thereafter on such day, at such place, and subject to such regulations as the said corporators shall prescribe, an election for managers shall be held, who shall hold their offices for one year, and until others are chosen in their stead. Managers. Term of office of. Elections.

4. *And be it enacted*, That the lands and property of said corporation, and the burial lots of the persons holding the same, shall not be liable to be seized or sold on execution, or be subjected to the payment of any debt due from individual proprietors; but such proprietors, their heirs, devisees or assigns, may hold the same exempt therefrom, Property exempt from seizure.

so long as the said lots shall remain dedicated to the purpose of a cemetery.

Associations may hold lots.

5 *And be it enacted*, That any association of persons, for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery, in which they may bury agreeably to any peculiar rites or ceremonies of their own, subject, however, to the rules and regulations of said cemetery; but no lot or plot of ground laid out on the map of said corporation, and numbered as separate lots, shall ever be subject to division, although the same may be held in undivided shares.

No lot to be divided.

General act extended to.

6. *And be it enacted*, That the said corporation shall have the powers, privileges and immunities, and be subject to the limitations contained in the seventh, eighth, ninth and tenth sections of the act entitled "An act authorizing the incorporation of Rural Cemetery Associations."

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

Approved March 21, 1871.

CHAPTER CCXXIX.

An Act to incorporate the Protection Steam Fire Engine Company, Number Five, of the city of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Sanford, John Carlough, Charles Reid, Aaron Edwards, William Martin, Halmagh Van Houten, Henry Camey, Cornelius F. Crouter, Lambert Romaine, and all other persons who now are, or hereafter shall become associates of the Protection Fire Engine Company, Number Five, of the city of Paterson, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the

Title.

"Protection Steam Fire Engine Company, Number Five, of the city of Paterson," and by such name they shall have succession and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts

of judicature whatsover, and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this State or of the United States, as they shall think proper; *provided*, that the said company shall be subject to and be controlled by the same laws, ordinances, rules and regulations as the several companies of the fire department of the city of Paterson now are or may hereafter be subject to or controlled by. Powers. Proviso.

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

3. *And be it enacted*, That the capital stock of the said company shall be divided into shares of ten dollars each; and that at the time of subscription there shall be paid an instalment of ten per centum on each share subscribed; the directors are 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 shares so subscribed shall have been fully paid. Shares. Instalments, how paid.

4. *And be it enacted*, That books of subscription to the capital stock of said company shall be opened at the city of Paterson, at such time after the passage of this law as the members of said company shall deem proper. Books of subscription.

5. *And be it enacted*, That the said company shall elect annually out of their own body a president and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts, assessments and arrearages due to the said company. Officers. Duties and powers.

Annual statements.

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

Exempt from tax.

7. *And be it enacted*, That the property of said company, held under this act, shall be free and exempt from taxes and assessments.

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

Approved March 21, 1871.

CHAPTER CCXXX.

A Further Supplement to the act entitled "An act to incorporate the Vineland Railway Company," approved April ninth, one thousand eight hundred and sixty-seven.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for, and the Vineland Railway Company is hereby authorized to increase its capital stock to such an extent as the board of directors of said company shall deem necessary from time to time, to an amount not exceeding two million dollars.

May borrow money and issue bonds.

2. *And be it enacted*, That said Vineland Railway Company is hereby authorized to borrow such further sum or sums of money from time to time as shall be necessary to build, construct, repair and equip said road or any of its branches, and for the uses and objects of said company, and to secure the payment thereof by bond, mortgage or otherwise upon the railroad, lands, property, appurtenances, privileges and franchises of said company, subject to the same restrictions, terms and liabilities of the act to which this is a further supplement, and to the supplements thereto.

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

Approved March 21, 1871.

CHAPTER CCXXXI.

An Act to amend an act entitled "An act to incorporate the Widows' Home," approved February twenty-second, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act to incorporate the Widows' Home," approved February twenty-second, one thousand eight hundred and seventy, be amended by inserting after the word "warden," the words "or vestryman, who shall be selected by the vestry of said church." Section amended

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

Approved March 21, 1871.

CHAPTER CCXXXII.

An Act to incorporate Segur's Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anson G. P. Segur, William E. Dodge, James Stokes, Guy M. Hinchman, Alexander Wighton, Thomas R. Crittenden, James H. Neighbour, Mahlon H. Dickerson, John C. Jardine, Isaac B. Jolley and Warren Segur, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "Segur's Bank," and shall be located at Dover, in the county of Morris, in this State, and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of Corporators. Title. Powers. Proviso.

exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealing, or shall be purchased upon judgment or execution, for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and that Anson G. P. Segur, William E. Dodge, James Stokes, Guy M. Hinchman, Alexander Wighton, Thomas R. Crittenden, James H. Neighbour, Mahlon H. Dickerson, John C. Jardine, Isaac B. Jolley, and Warren Segur, and their associates, or a majority of them, shall be and they are hereby appointed commissioners to open, at Dover, in said county of Morris, books of subscription for, and receive subscriptions to said capital stock, giving at least ten days' notice in one or more of the newspapers printed in the county of Morris, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporations shall have liberty to commence business as soon, and not before fifty thousand dollars shall be actually paid in cash.

Books of subscription.
Notice of opening.

When may begin business.

Directors.

3. *And be it enacted*, That the affairs of the said corporation shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and a majority of whom shall be residents of this State, and shall, before entering upon the duties of the said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday in

Quorum.

Oath of office.

Term of office of.

Annual election.

January in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by an advertisement in one or more of the newspapers published in the county of Morris; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days, at least, next preceding such election; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct said election and determine the legality of votes, the eligibility of persons voted for, and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, having the highest number of votes, as many as may be required to make up the full number of seven directors; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of their number to be president, as well of the board as of the said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled, for the remainder of the year, by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not, for that reason, be deemed to be dissolved, but an election for directors shall, in such case, be held as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Notice of.

How held.

In case of tie vote.

President.

Vacancy.

Failure to elect not to dissolve.

4. *And be it enacted*, That as soon as conveniently may be after the sum of fifty thousand dollars of said capital stock is subscribed, and actually paid in cash, the said commissioners or a majority of them, shall call a meeting of the subscribers to said capital stock in Dover, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting, by advertisement in one or more of the newspapers published in the county of Morris,

First election.

and at such meeting the said commissioners or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy, being entitled to one vote for each share of stock respectively subscribed for by them; and said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys, shall be full and absolute acquittance and discharge therefor, and said board of directors shall hold their offices until the second Tuesday in January, in the year one thousand eight hundred and seventy-two, and until their successors are chosen and qualified.

Officers.

Commissioners to pay over moneys.

First directors. Term of office of.

Capital stock.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this State are liable to, and the real estate of said corporation may be taxed as other lands in this State are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payments of said instalments, shall be given by advertising in at least two papers published in the county of Morris, and that no instalment of more than five dollars on each share shall be called in at one time, nor shall such instalments be required to be paid within less than twenty days of each other.

May be forfeited.

Proviso.

Cashier.

6. *And be it enacted*, That there shall be a cashier of said

bank appointed or re-appointed annually, liable, however, to be removed and another appointed in his place, at the pleasure of the said board of directors; and on such appointment or re-appointment, the said cashier shall, before entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond with good and sufficient security, to be approved by the board of directors, in the penal sum of at least thirty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank. Oath and bond of.

7. *And be it enacted*, That it shall be the duty of the board of directors to make semi-annual dividends of so much of the profits of the business of the said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock. Dividends.

8. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual, until any debt or debts which may be due to said corporation from the person or persons, or any of them transferring, shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors, and the certificate or certificates of such stock delivered up to be canceled. Transfer of stock.

9. *And be it enacted*, That it shall be the duty of said corporation on the first Monday in January, in each year, after commencing the business of banking, to publish in one or more of the newspapers published in the county of Morris, a statement under oath or affirmation of the actual condition of said corporation, conforming as nearly as may be with the annual statement now required by law; and shall within ten days after making such statement forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director, shall knowingly and wilfully and falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof. Annual statements. Penalty for false.

10. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately; but it shall be lawful for the Legislature at any time hereafter to alter, modify or repeal the same, whenever in their opinion the public good shall require it. Public act, may be altered or repealed.

Approved March 21, 1871.

CHAPTER CCXXXIII.

An Act to incorporate the Committee of Presbyterial Church extension in the Presbytery of Morris and Orange.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Aikman, Eldredge Mix, J. Abbot French, Burtis C. Magie, Alfred Yeomans, Henry N. Beach, Frederick G. Burnham, J. S. Porter, Jeremiah Baker and H. P. Day, (designated for the purpose by the Presbytery of Morris and Orange), and their successors in office, to be hereafter designated by the said presbytery, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, by

Title.

the name of "The Committee of Presbyterial Church extension of the Presbytery of Morris and Orange," for the following purposes, to wit: to organize and promote the work of church extension of the presbyterian church within the

Purposes.

bounds of the presbytery; to seek out locations for new churches, mission fields and Sunday schools, and to promote and aid the same, and for such other purposes as may be determined upon from time to time by said presbytery.

Powers.

2. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the provisions contained in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the acts amendatory thereof, so far as the same are applicable or have not been repealed or modified, or may not be inconsistent with the provisions of this act.

Managers.

3. *And be it enacted*, That the management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this act, and their successors in office, who shall remain in office for such periods, and be succeeded by others to be elected at such time and in such manner as the said presbytery shall direct or appoint; and such election shall be made, and the

Funds.

funds shall be held and administered, invested and disposed of for the purposes aforesaid, in conformity with the provisions of the plan adopted, or which may hereafter be

adopted by said presbytery; *provided*, that no money shall be permitted to aid any congregation to procure a house of worship, the title of which shall be vested in any bishop, priest or other ecclesiastic. Proviso.

4. *And be it enacted*, That the said corporation shall in law be capable of purchasing, taking and holding, mortgaging and conveying any real or personal estate, which has been or may hereafter be purchased by or given, demised or bequeathed to them for the purpose of their incorporation, or which shall be obtained by them by purchase or otherwise; but the said corporation shall not take and hold real and personal estate exceeding the sum of two hundred and fifty thousand dollars. Powers.

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

Approved March 21, 1871.

CHAPTER CCXXXIV.

An Act to incorporate the "Ancient Order of Hibernians, Number Two, of Hoboken."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Puree Welsh, James Marlow, Patrick Brien, Owen Flatly, Michael J. Dorn, Michael Hagerty, Philip Riley, Patrick McPhilips, and such other persons as now are or hereafter shall become members of the Hibernians, Number Two, are hereby constituted a body, incorporated by the name aforesaid, to have perpetual succession and to have a common seal. Corporators.

2. *And be it enacted*, That the object of the corporation shall be the relief of the sick, the burial of the dead, and the protection of the widows and orphans. Objects.

3. *And be it enacted*, That the said corporation shall have power to adopt a code of by-laws, for the better management of its finances, general business, election and duty of its officers, and also hold branch societies of the same name in any part of this State; *provided*, that such by-laws shall not Powers. Proviso.

be repugnant to nor inconsistent with the constitution of the United States or of this State.

May hold property.

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

General act extended to.

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

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

Approved March 21, 1871.

CHAPTER CCXXXV.

A Supplement to an act entitled "An Act to incorporate the Railroad Office Clerks' Mutual Life Insurance Association of the United States," approved February sixteenth, one thousand eight hundred and seventy.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the association heretofore known as The Railroad Office Clerks' Mutual Life Insurance Association of the United States, shall be hereafter called "The United States Railroad Mutual Life Insurance Association," and by that title shall have all the powers given in the original act of incorporation, except that of insurance.

Powers,

Objects.

2. *And be it enacted*, That the sole objects of the said association shall be the relief of its members, in case of total disability or death, through the voluntary contributions of its members; and the powers heretofore and now granted shall only be used for the execution of said objects.

Certificates of membership.

3. *And be it enacted*, That certificates of membership shall be granted by the association to such persons as may unite with it.

4. *And be it enacted*, That the office of the association shall be located at such place or places as the association may select. Office.

5. *And be it enacted*, That the annual meeting of this association shall be held at such time and place, as may be designated by the delegates in convention assembled, and that public notice of the same shall be given by the general secretary, in a newspaper published in such place as the office of the association may be located, at least fifteen days previous to the holding of such meeting. Annual meeting. Notice of.

6. *And be it enacted*, That the association shall have power at their annual conventions, held pursuant to the required notice, to elect by ballot such additional vice-presidents, members of the executive committee, or other officers as their interest may from time to time require, and who shall serve until the next annual election, or until their successors shall have been chosen, and this association shall likewise have power to extend the term of any one, or all of such offices from one to two years. Officers. Term of office of.

7. *And be it enacted*, That all parts of the original act, to which this is a supplement, which are inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

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

Approved March 21, 1871.

CHAPTER CCXXXVI.

Supplement to an act entitled "An Act to incorporate the Central New Jersey Land Improvement Company," approved April ninth, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement, shall apply to lands along the line of the Newark and New York railroad, or along Provisions extended to.

the line of any branches or lateral or connecting roads of the Central Railroad Company of New Jersey, as fully as if the same had been originally authorized by the said act.

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

Approved March 21, 1871.

CHAPTER CCXXXVII.

A Supplement to the act entitled "An Act to incorporate the Ferromonte Railroad Company."

Award for damages may be paid into court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of an appeal from the decision or award of the commissioners appointed by virtue of the charter of said company to assess the price or value of land taken, or to be taken by said company, and the damages occasioned by such taking, heretofore or hereafter taken to the circuit court of the county in which land taken for the said company's railroad lies; or in case any owner or owners, or person interested in such land, shall, before an appeal is taken, be unwilling or refuse to receive the amount of the award, or to abide by the decision of said commissioners, or of a majority of them; or in case the owners, or those interested in such land, are under any legal disability to receive the sum awarded, it shall and may be lawful for the said railroad company to pay into the said court, or to the clerk thereof, the amount of the award of said commissioners, or of a majority of them, and after such payment it shall be lawful for said company immediately to enter into possession of the said land, the price or value of which has been or shall be assessed by the said commissioners, and to construct thereon their railroad and whatever may appertain thereto.

How disposed of by court.

2. *And be it enacted*, That the sum so paid into the said court, or to the clerk thereof, shall in case of an appeal heretofore or hereafter taken, be held until final judgment is rendered on said appeal, or in case no appeal is taken until the time limited by law for taking an appeal expires

when, as the case may be, the said amount so paid in, or so much thereof as shall be necessary should the jury on appeal find a less sum, shall be paid by the order of the court to the owner or owners of said land entitled thereto.

In case award is changed.

3. *And be it enacted*, That upon the payment of said money into the said court, or to the clerk thereof, if the jury on appeal should not find a greater sum than the commissioners, or in case they do find a greater sum, upon the payment of the excess, including costs, over what has been paid into said court, or to the clerk thereof, the said corporation shall thereafter be deemed to be seized and possessed in fee simple of all such lands and real estate appraised.

Repealer.

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

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

Approved March 21, 1871.

CHAPTER CCXXXVIII.

An Act to incorporate the Dover Savings Institution.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That Guy M. Hinchman, Mahlon H. Dickerson, John Hance, Ephraim Lindsley, Jacob Hurd, Henry Baker, Isaac B. Jolley, James H. Neighbour, Richard George, David Jenkins, Stephen C. Berry, Edward A. Stickle, James B. Lewis, William H. McDavit, Edmund Canfield, James W. Brotherton, Isaac W. Searing, Thomas R. Crittenden, Joseph Roderer, Alpheus Beemer, Alexander Wrightor, John C. Jardine, Sylvester Dickerson, Charles M. Tunis and John R. Larkins, be and hereby are constituted a body corporate and politic by the name of "Dover Savings Institution," and by that name shall have perpetual succession, and be capable of suing and being sued, defending and being defended, in all courts and places whatsoever, and may have a common seal, which may be changed and renewed at pleasure; and by that name shall be capable of

Title.

Powers.

acquiring, holding, enjoying, leasing and conveying real estate; first, such as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned under the provisions of this act; and third, such as shall have been purchased by it at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation may acquire, hold and enjoy any goods, chattels or personal estate necessary for the convenient transaction of its business, and may sell and transfer the same, or any part thereof.

Place of business.

2. *And be it enacted*, That the office or place of business of the said corporation shall be in the town of Dover, Morris county, and that the business of said corporation shall be conducted by twenty-five trustees, all of whom shall be residents of Morris county, and five of whom shall constitute a quorum for the transaction of business; the first trustees shall be the persons named in the first section of this act; the trustees shall meet annually on the first Monday in May, and choose from their number a president and vice president, appoint a treasurer and secretary, and any subordinate officers and agents as may to them appear to be necessary for conducting the business of the corporation; and when a vacancy occurs in the number of trustees by death, resignation or otherwise, the other remaining trustees may fill such vacancy by a vote of two-thirds of their number, and all officers chosen or appointed as aforesaid shall continue in office one year, and until others are chosen, and all officers so chosen shall give security, if required, for the faithful execution of the duties of their office, in such sum and with such sureties as may be directed by the trustees.

Annual meeting.

Officers.

Vacancy.

Term of office.

May adopt laws.

3. *And be it enacted*, That the said trustees 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 corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State, or of the United States, and shall not at any time be altered so as to injuriously affect any depositor who may have been a depositor previous to such alteration.

Proviso.

May receive and invest deposits.

4. *And be it enacted*, That the said corporation may receive on deposit all sums of money which may be offered therefor, in such amounts and at such times, and on such

terms as the by-laws shall prescribe, which money shall be invested only in the manner hereinafter directed, and shall be repaid to the depositors or their legal representatives at such times, and with such interest, and under such regulations as the trustees may, from time to time, establish; and the said institution may accept and execute all trusts of every description which may be committed to it by any person or persons, or body corporate, by will or otherwise, or which may be transferred to it by the order of any court.

Interest not allowed on less than one dollar.

5. *And be it enacted*, That the institution shall not be required to receive on deposit a less sum than one dollar, and that all deposits and payments shall be regularly entered in the books of the corporation, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered.

Regulation of interest.

6. *And be it enacted*, That it shall be the duty of the trustees to regulate the rate of interest allowed to depositors, so that they or their legal representatives shall receive a ratable proportion, as near as may be, of the profits of the business of said corporation after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that such rate of interest may at the discretion of the trustees, be so regulated as that the interest allowed any depositor having more than one thousand dollars on deposit, shall be at least one per centum per annum less than the rate allowed other depositors; *and provided, also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to five dollars, nor upon the fractional part of five dollars, nor for the fractional part of a month, and that no interest or dividend, on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Shall invest no money except in public stocks, &c.

7. *And be it enacted*, That the said corporation shall invest no money except in the public stocks or bonds of the United States and of this State, the securities of the county of Morris in this State, and the securities of the incorporated cities and towns in said State, the issue of which is or shall be authorized by law, and bonds and mortgages upon unincumbered real estate located in the said county of Morris, and worth at least double the amount or sum invested.

Certificates of deposits.

8. *And be it enacted*, That all certificates or evidence of deposit made under the hand of the proper officers of the

corporation, shall be as binding as if the same were made under their common seal.

Depositors may appoint persons to receive money.

9. *And be it enacted*, That a book shall be kept at the office of said corporation, in which every depositor shall be at liberty, under his or her hand, to designate some person or persons to whom, in the event of his or her death, his or her deposit, with the interest accrued and due thereon, shall be paid, if not otherwise disposed of by will; and all payments made to such person or persons so designated, shall be a full discharge to said corporation to the full amount of such payments; and should no such designation be made in such book, the amount due to any depositor failing so to designate shall, upon his or her death, be paid to his or her legal representatives.

Deposits by females not to be controlled by husband.

10. *And be it enacted*, That said corporation may receive any deposit or deposits of money from any married woman or women, or from any single woman who may afterwards marry, and may hold the same, together with the interest which may accrue thereon, as the sole and separate property of the depositor thereof, as if she was unmarried, not subject to the control nor liable for the debts of her husband, and the repayment of the same upon the order, check or receipt of the depositor, even though without the knowledge or consent of her husband, shall exonerate and discharge the said corporation from any further liability respecting such deposit or deposits, and the accrued interest, if any thereon, to the full amount so repaid.

Minors may give acquittance for deposits.

11. *And be it enacted*, That the said corporation shall pay to any depositor being a minor, such sum as may be due to such depositor, notwithstanding that no guardian may have been appointed for such depositor, and the receipt or acquittance of such minor shall be as valid as if executed by a guardian duly appointed; *provided*, that the deposit due such minor shall have been made by such minor in person, and not by any other person for his or her benefit.

Proviso.

No compensation to trustees.

12. *And be it enacted*, That no emolument whatever shall, directly or indirectly, be received by the trustees of said bank, or any of them, for their services as such trustees; nor shall any trustee or other officer, directly or indirectly, borrow any money from said bank, or use any of the funds thereof, except to pay the necessary expenses of said corporation; nor shall this corporation take or hold any bonds, mortgages or other securities for the payment of money,

drawn or endorsed by or existing against any trustee or other officer of the said corporation.

13. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the Legislature of this State, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the trustees, of three or more of their number, of its condition, and such statement shall be published in one or more newspapers published in the county of Morris. Annual statement.

14. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in courts favorably and benignly for every beneficial purpose therein included, and that the same shall take effect immediately. Act, how construed.

Approved March 21, 1871.

CHAPTER CCXXXIX.

An Act to incorporate the Jersey City and West Hoboken Trap Block Makers' Benevolent Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Tuohy, John Murphy, James Flanigan, Nicholas Keenan, Patrick O'Neil, John Neville, Patrick Lambert, Peter Loughlin, Michael Lyons, James Neville, Michael Whalen and James Foran, and their associates, officers and members of "The Block Makers' Union and Benevolent Society of Jersey City and West Hoboken," be and they are hereby constituted and declared to be a body politic and corporate in law, by the name, style and title of "The Jersey City and West Hoboken Trap Block Makers' Benevolent Society," and by that name they and their successors shall and may, at all times hereafter, be capable in law of having, purchasing, leasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, leased, devised or bequeathed by any person or persons, body politic or corporate capable of making the same, or any part thereof, to sell, mortgage or dispose of at pleasure; to establish branch societies in Corporators. May hold property.

different parts of said county; to have a common seal, and use and alter the same at pleasure; *provided always*, that the said corporation shall not at any time hold or possess property, real, personal or mixed, the net yearly income of which shall exceed the sum of five thousand dollars; *and provided also*, that the property of said corporation, real or personal, shall not be disposed of or mortgaged without the consent of a majority of its members.

Proviso.

Proviso.

Powers.

2. *And be it enacted*, That the said corporation shall have power, from time to time, to make and establish such constitution, by-laws, rules and regulations as they shall judge proper, to provide for and regulate the election of officers and members of said body, for the imposing and collection of admission fees, fines and contributions from the members, for regulating the times and places of meeting, for suspending or expelling such members as refuse or neglect to comply with said constitution, by-laws and regulations, and generally for the management and direction of the said corporation.

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

Approved March 21, 1871.

CHAPTER CCXL.

A Further Supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, one thousand eight hundred and thirty-five.

Preamble.

WHEREAS, The Morris and Essex Railroad Company, pursuant to the power conferred upon them by their original charter and divers supplements thereto, in order to obtain lighter grades for the transportation of coal and other freight, have surveyed, located and constructed, and are now lawfully using, a branch railroad extending from the main line of their railroad, at a point west of Bergen hill and east of the Hackensack river, by the way of the city of Paterson, to Boonton, in the county of Morris; and

have also surveyed, located and partly constructed a branch railroad extending from the main line of their railroad at or near Denville, in the county of Morris, to Boonton, and thence to and through the Great Notch in First mountain, and thence to a connection with the main line of their railroad on the east side of Bergen hill, in the county of Hudson, which two branch railroads are, in part, indentical, as will appear by the surveys thereof now on file in the office of the secretary of state; AND WHEREAS, the last mentioned branch railroad, as surveyed and located, passes through Bergen hill, and doubts have arisen whether said branch railroad, under the powers now possessed by said company, can be passed through said hill otherwise than by a tunnel; AND WHEREAS, it is desirable that said company shall have the power to construct the said branch railroad through said hill by means of an open cut, if that mode of construction shall, in the judgment of the engineer and directors of said company, be most conducive to the safety, convenience and comfort of the public and the interests of said company; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Morris and Essex Railroad Company shall have and they are hereby invested with power to construct the said branch railroad through Bergen hill by means of an open cut, or by means of a tunnel, as, in the judgment of the engineer and directors of said company, shall appear to be most conducive to the interests of said company and the accommodation of the public, who shall travel on said railroad; and if an open cut shall be adopted, then and in that case the said company, for the purpose of making such cut, shall be entitled to acquire and hold such width of land, in addition to one hundred feet for way, as will be necessary for the reasonable and proper construction of said cut; and wherever said cut shall cross any lawful highway or street, the said company shall make and maintain a safe and proper bridge over said open cut; and if a tunnel be adopted, a width of way for that purpose, not exceeding two hundred feet, may be acquired and held. Power to build branch road.

2. *And be it enacted*, That when that part of said branch railroad which crosses said hill shall be constructed through said hill, the said company may so vary the line of their main road east of the Passaic river as to connect the said May connect with main line.

main line with the said branch railroad, either west or east or both west and east of Bergen hill, and if necessary may construct another railway viaduct across the Hackensack river; *provided*, that nothing herein contained, shall require the said company to take up, or abandon any portion of their main line east of the Passaic river after such variation shall be made.

Proviso.

Powers given as in original act.

3. *And be it enacted*, That full power and authority is hereby given to said company to complete the construction of and use the said branch railroads as the same have been and may be constructed; and for the purpose of carrying into effect the objects and purposes of this act, the said company is hereby invested with all the provisions, powers, authority, and privileges given and granted by their original act of incorporation and the several supplements thereto, including the right to vary the surveys and route of said branch roads according to the provisions of the supplements to the charter of said company; and also subjected to all the duties, responsibilities, restrictions, and provisions contained in said acts.

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

Approved March 21, 1871.

CHAPTER CCXLI.

An Act to incorporate the Princeton Water Company.

Corporators.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward Jewell, Alexander M. Cumming, William D. Jewell, Samuel D. Oliphant and John F. Hageman, junior, and such other persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Princeton Water Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least ten days' notice of the same in a newspaper published in the county of Mercer; and that at the time of subscribing twenty per centum shall be paid for each share subscribed for to the commissioners, and as soon as fifteen thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this State, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any two of them, shall be inspectors of the first election of directors, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the persons named in the first section of this act, and the directors chosen shall hold office until the first Monday in April following their election, and until their successors are chosen; and there shall be an annual election of directors by the stockholders on the first Monday of April in every year, at such time and place as the directors, for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose, out of their number, a president, who shall be a resident of this State, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they Commissioners to receive subscriptions. Annual election of directors. Vacancy

may happen, by the remaining directors, or a majority of them.

Not dissolved by failure to elect directors.

4. *And be it enacted*, That in case it shall happen that an election shall not be made during the day, when pursuant to this act it ought to be made, said corporation shall not, for that cause, be deemed to be dissolved, but an election may be held at any other time, on like notice as aforesaid, and the directors, for the time being, shall continue to hold their offices until others shall be chosen in their places.

Powers of directors.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company, by such instalments, and at such times as they may direct, and in case of the non-payment of such instalments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to said officers, clerks and servants as to the said board shall appear proper; and shall have power to take from said officers, clerks and servants, such security for the faithful performance of their respective duties, as they may think proper.

May survey and lay out sites.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site for one or more reservoirs, drains, ditches, conducts, aqueducts, pipes, fountains, water wheels, force pumps, and all other devices and work which they may deem necessary for supplying the town of Princeton, and the places adjacent thereto, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the president and said directors, or others in their employ, to enter at all times upon all lands or waters in the township of Princeton, and survey, search, excavate and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water wheels, force pumps and buildings,

and all other necessary work and appendages thereto, doing no unnecessary damage to private or other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands, except streets now in use, which they require for the purpose aforesaid, and file the same in the office of the clerk of Mercer county; and 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, excavate, erect reservoirs, water wheels, wheel houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated and keeping them in repair, subject to such compensation as is hereinafter provided for; *provided*, that no such [entry] for the purpose of appropriating water shall be made on any land within the borough of Princeton without the consent of the owner or owners thereof first had and obtained. Proviso.

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, the said company shall give notice to the persons interested, if known and in the State, or if such owner or owners be unknown or out of the State, by publication in one or more newspapers printed and published in the county of Mercer, that they intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting, as hereinbefore directed; and on the day so appointed to proceed to view and examine the said lands Proceedings in case no agreement can be made with owners of property.

and make a just and equitable estimate of the value of the the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said report the metes and bounds of the lands assessed, which said report the said company shall have filed in the office of the clerk of Mercer county, to remain on record therein; and a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the State, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

Proceedings in case of appeal.

8. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them, and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over other incumbrance which said company may have given; but if the said jury shall find the same or less amount than the company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

Penalty for injury to property.

9. *And be it enacted*, That if any person shall wilfully impair, injure, or wilfully do or cause to be done any act or acts whereby to injure any conduct, pipe, cock, machine, tank, reservoir, works, buildings or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the

person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars or imprisonment not exceeding two years at hard labor, or both; *provided*, such criminal prosecution shall not impair the right of action for damages by a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same. Proviso.

10. *And be it enacted*, That said company be and they are hereby authorized and fully empowered to lay their pipes beneath such public roads, streets, avenues and alleys as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic whatsoever for such privilege, and also such hydrants at the crossings or intersections of the said streets and alleys; *provided*, that the said pipes shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public property; and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made. May lay pipes. Proviso.

11. *And be it enacted*, That the said company may sell and dispose of the water issuing from said reservoirs, aqueducts or pipes for such price or prices as annual rents, and under such restrictions as they may think proper. May sell water.

12. *And be it enacted*, That if the work of constructing such reservoirs and appendages shall not be commenced within the term of five years from the date of the approval of this act, the same shall be null and void. Limitation.

13. *And be it enacted*, That the said company shall have power to borrow money not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgage upon their property and franchises and privileges, and by such other assurances as they may deem expedient. May issue bonds and secure the same by mortgage.

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

Approved March 21, 1871.

CHAPTER CCXLII.

An Act concerning roads in the township of Harrington, county of Bergen.

Lands are not exempt from assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no land or lands lying within the township of Harrington, county of Bergen, shall be exempt from the assessment or collection of road tax by reason of the existence of any mortgage or lien thereon.

Repealer.

2. *And be it enacted*, That all laws or parts of laws interfering with the provisions of this, be and the same are hereby repealed.

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

Approved March 21, 1871.

CHAPTER CCXLIII.

An Act to enable the Board of Chosen Freeholders of the county of Monmouth, to purchase the Draw Bridge, near the mouth of Matawan Creek.

Power to purchase bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Board of Chosen Freeholders of the county of Monmouth, be and they are hereby authorized (if they shall deem it expedient) to purchase of the Matawan Bridge Company, the draw bridge which crosses the Matawan creek, near its mouth, with all the rights, powers and obligations of the said company as set forth in their charter, excepting as to the present rates of toll.

2. *And be it enacted*, That it shall be lawful for the said board of freeholders at all times to take, demand and receive,

of and from every person or persons, who shall pass over said bridge, when they shall enter upon the same, (instead of the former) the following rates of toll, and no more, that is to say: Rates of toll.

For every person on horse or mule, two cents;
For all wagons, carts, sleighs or sleds, drawn by one horse, mule or ox, two cents;
For all two horse, mule or ox wagons, carts, sleighs or sleds, three cents;
For all horned cattle, horses or mules, each, one cent;
For all hogs, calves or sheep, per dozen, six cents;
and less numbers in the same proportion.
For all other articles and things not herein enumerated, to be in equitable proportion; *provided, always*, that said board of freeholders may, in their discretion, reduce said rates. Proviso.

3. *And be it enacted*, That the said board of freeholders shall apply the moneys arising from the tolls collected on said bridge to pay the expenses of the toll gatherer, having charge of said bridge, and for the purpose of keeping up the light, and the causeways leading to and from said bridge as required by the charter of the aforesaid bridge company. Shall apply the receipts to pay expenses.

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

Approved March 21, 1871.

CHAPTER CCXLIV.

A Supplement to an act entitled "An Act to compel the owners of improved lands, in the township of West Milford, in the county of Passaic, and of the township of Readington, in the county of Hunterdon, to build road fences," approved March eighth, one thousand eight hundred and sixty-one.

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

to which this is a supplement, as extends to the township of Readington, in the county of Hunterdon, be and the same is hereby repealed.

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

Approved March 21, 1871.

CHAPTER CCXLV.

An Act to enable the Trustees of School District Number Two, in the township of Blairstown, in the county of Warren, to raise money by taxation for school purposes.

Preamble.

WHEREAS, school district number two, in the township of Blairstown, in the county of Warren, is destitute of any school building within said school district; AND WHEREAS, the board of trustees of said district have failed to obtain a two-thirds vote of the legal voters of said district, directing the raising by tax of any sum of money for the purpose of erecting the necessary school buildings; therefore,

Money for finishing and furnishing school house may be raised by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number two, in the township of Blairstown, in the county of Warren, are hereby authorized and empowered to raise, by taxation upon the taxable property in said district, such sum or sums of money, not exceeding fifteen hundred dollars, as may be necessary to purchase land and to pay for the erecting and furnishing of a school house thereon in said district.

Manner of assessment.

2. *And be it enacted*, That the said sum or sums of money shall be assessed and collected as all other taxes are, and at the same time and in such amounts as the trustees may direct.

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

Approved March 21, 1871.

CHAPTER CCXLVI.

An Act to authorize the Trustees of School District Number One, in the town of Harrison, in the county of Hudson, to borrow money to build a School House.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number one, in the town of Harrison, in the county of Hudson, be and they are hereby authorized to borrow any sum of money not exceeding, in the whole, the sum of ten thousand dollars, for the purchase of land in said district, and the erection of a school house thereon. Money for finishing and furnishing school house may be raised by taxation.

2. *And be it enacted*, That for the repayment of said loan the said trustees are hereby authorized to issue bonds in their corporate name of such denominations as they deem proper, not exceeding one thousand dollars each, with interest at the rate of seven per centum per annum, payable yearly; and the sum of one thousand dollars of the principal of said bonds shall be payable in each and every year after the date of their issue, and shall not be sold or disposed of at less than their par value. May issue bonds.

3. *And be it enacted*, That to provide for the yearly payment of said bonds, and all the interest accruing upon the same, the trustees of said school district shall, on or before the twentieth day of May, in each and every year hereafter, until the whole principal of said bonds and interest shall be paid, certify, under their hands, to the assessor of taxes for the said town of Harrison, the amount which will be necessary to pay the interest due on said bonds, and also the amount of the principal of said bonds due during the ensuing year, which sum the said assessor is hereby authorized and required, when making his annual assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner as other town taxes are or shall be assessed, which special tax shall be collected at the same time, by the same officer, and in the same manner as other town taxes are or shall be col- Money shall be raised by taxation to pay bonds and interest.

lected in said town; and said special tax shall be separately accounted for, and paid over as soon as may be by said collecting officer to the trustees of said district.

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

Approved March 21, 1871.

CHAPTER CCXLVII.

A Further Supplement to the act entitled "An act to revise and amend the charter of the City of Newark," approved March eleventh, eighteen hundred and fifty-seven.

All kinds of wood and stone pavement may be used.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of the city of Newark shall determine to pave any street or avenue, or any section thereof, with stone or with wood pavement, the words "stone pavement," or "wood block pavement," in the resolution of intention and notice of intention, shall be held to include all kinds of stone pavement, or all kinds of wood block pavement, as the case may be, either patented or unpatented; *provided*, that no pavement protected by letters patent of the United States, or by an application therefor, shall be ordered to be laid unless a petition in writing therefor shall be first signed by the owners of a majority of the feet of land fronting on such street or avenue, or section thereof, and filed in the office of the clerk of the common council; *and provided further*, that a petition for a "wood block pavement" or "stone pavement" shall be held to include all kinds of wood block pavement, or all kinds of stone or concrete pavement, as the case may be.

Proviso.

Proviso.

Persons to whom contract is awarded shall give bonds.

2. *And be it enacted*, That whenever any contract shall be awarded by the street committee for any work or improvements authorized by the ninety-sixth section of the act to which this is a supplement, it shall be the duty of the persons to whom said contract shall have been awarded to give good and sufficient bonds for the full and faithful performance of

said contract, which shall be approved by the finance committee of said common council, and filed in the office of the city auditor; and unless said bonds shall be so filed within the said time, the said award of said contract shall thereby become void; no contract shall be entered into for any work authorized by the said ninety-sixth section of the act aforesaid, until after advertisement for proposals therefor shall have been published in the manner directed by the city ordinances; and all such contracts shall be awarded to the lowest bidder therefor, unless it shall appear to the street committee that the interests of the city or of the property owners interested will not be advanced thereby.

When common council has declared to make improvements public notice shall be given.

3. *And be it enacted*, That whenever the said common council has, by resolution, declared its intention to make any improvements or perform any work authorized by the ninety-sixth section aforesaid, it shall be lawful to include in the public notice required to be given by the ninety-seventh section of said act, all of said work and improvements that shall have been determined upon at each meeting of said common council; *provided*, that the character of the work to be done, and the location thereof, shall be therein definitely and accurately stated.

Proviso.

Notices to be given of ordinances.

4. *And be it enacted*, That after the passage upon their second reading of any ordinances for work and improvements authorized by the ninety-sixth section of the act aforesaid, and before their third reading, public notice shall be given thereof by a certificate to be signed by the president and clerk of said common council, and published for ten days in at least two daily newspapers published in said city; which certificate shall contain an abstract of all of said ordinances which may have passed their second reading at each meeting of said common council; *provided*, that the character of the work to be done by each of said ordinances, and the location thereof, shall be therein particularly and accurately stated; which publication shall be held to be a full compliance with the requirements of the twenty-ninth section of the act to which this is a supplement.

Proviso.

Notices of assessment to state the character of work and improvements.

5. *And be it enacted*, That the notices of assessment required to be given by the one hundred and tenth and one hundred and eleventh sections of the act to which this is a supplement, shall carefully state the character of the work and improvements for which such assessments have been made, and a particular description of the streets or avenues, or

particular sections thereof, which are included in said assessment; but the names of the owners of the lands so assessed, and the map and street numbers, shall not be required to be published, and two or more assessments may be included in the same notice.

Ordinances to be published.

6. *And be it enacted*, That when any ordinance has been passed by the said common council, and has received the approval of the mayor of said city, said ordinance shall be published for ten days in at least three daily newspapers, one of which shall be printed in the German language, having the largest circulation, published in said city, for the information of the public, and said ordinance shall have full force and effect from the date of the approval thereof.

Notice to be published.

7. *And be it enacted*, That the notice of intention required to be given by the ninety-seventh section of the act to which this is a supplement shall be published for ten days, instead of twenty, as is therein required.

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

Approved March 21, 1871.

CHAPTER CCXLVIII.

An Act concerning street assessments in the city of Paterson.

Preamble.

WHEREAS, The manner of enforcing the payment of assessments for opening, widening, altering, straightening, grading, graveling, paving, flagging and macadamizing streets, avenues, roads, highways, lanes and alleys in the city of Paterson, is not clearly defined by law; now therefore,

Payment of assessments for improvements may be enforced by sale of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the payment of any and all assessments in said city, that have heretofore been made, or may hereafter be made, according to law, for said improvements, or any of them, may be enforced by the sale of the lands on which such assessments are or may be made, in the same manner and upon the same terms and conditions, as lands in said city may be sold for taxes; and that the order

to go on and sell said lands may be issued at any time after the expiration of six months from the time of the completion of such assessment or assessments; *provided*, that due notice of such assessment or assessments be given before such order is issued. Proviso.

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

Approved March 21, 1871.

CHAPTER CCXLIX.

A further supplement to an act entitled "An Act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the township of Montclair," approved April fifteenth, one thousand eight hundred and sixty-eight, which said supplement was approved April first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if a sidewalk shall be petitioned for, as provided in section third of the act to which this is a supplement, which in the judgment of the township committee is composed of material more expensive than the public interest shall seem to require, the township committee shall notify, or cause to be notified, the said petitioners in writing as soon as practicable of their opinion in reference thereto, and that if such sidewalk is laid as the same has been petitioned for, the excess of cost for the same, over the cost of a sidewalk composed of the material which the township committee shall deem for the public interest, shall be charged to the parties who shall a second time petition therefor; and if the said parties or any of them shall again petition, as provided by law, for said sidewalk, or one which shall be more expensive than the one which the said township committee shall deem for the public good, the township committee shall proceed to lay the same, and shall Township committee to assess excess of cost.

assess the amount of excess of cost hereinbefore mentioned upon the parties petitioning for the same.

Time of holding annual town meetings.

2. *And be it enacted*, That from and after the passage of this act, the annual town meetings of said township of Montclair, shall be held on the first Tuesday of April, in each and every year.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and hereby are repealed, and this act shall be a public act, and shall take effect immediately.

Approved March 21, 1871.

CHAPTER CCL.

A Supplement to the act to create the county of Union, approved March nineteenth, one thousand eight hundred and fifty-seven.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section first of the act entitled "An act to create the county of Union," approved March nineteenth, one thousand eight hundred and fifty-seven, be amended by striking out that part of the said section reading as follows: "thence up said new road to the Morris turnpike; thence up said turnpike to the Passaic river at a point in the west division line of the township of Springfield," and insert in lieu thereof the following: "thence up said new road to the centre line of the Morris turnpike; thence up the said centre line of the said turnpike to the Passaic river."

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

Approved March 21, 1871.

CHAPTER CCLI.

Supplement to an act entitled "An Act to widen and improve roads in the township of Shrewsbury, and 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 all taxable inhabitants that own property fronting on or adjacent to any road proposed to be improved, or a majority of them that are present at any meeting called for the said purpose, public notice of which shall be given by six written notices, placed in six conspicuous places along the line of the proposed improvement, ten days previous to said meeting, to appoint three commissioners with full power and authority to widen any road to three rods that may be less than that width, also to grade, gravel or otherwise to put in good order, as a majority of said voters at the said meeting may decide, then to adjourn subject to the call of the commissioners.

Notices to be given for meeting to appoint commissioners.

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

Commissioners to exhibit a statement of their proceedings.

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

Powers of commissioners.

the said damage to be determined by the said commissioners; *provided*, that in determining said damage done by the taking of the land, they shall only allow to the owner for the excess, if any, of damage done over and above the advantage that will in their judgment accrue to the owner or owners of land taken.

Proviso.

Commissioners to make assessments.

4. *And be it enacted*, That it shall be lawful to assess the costs and expense of any improvement decided upon agreeable to the first section of this act, and the said commissioners shall make the said assessment according to the frontage, by dividing the whole amount of the cost of the improvement by the number of running feet along the line of the road improved, each and every running foot bearing an equal portion of the cost.

Duty of collector.

5. *And be it enacted*, That a certificate of the said assessment so determined shall be a lien on the lands upon which it is laid, and the said commissioners shall make a copy of said certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Shrewsbury; and it shall be the duty of the collector to collect said assessment within sixty days of his receipt of the said certificate, in the same manner as township taxes are collected, (the collector's ordinary securities being responsible for the same) and pay the same over to persons presenting orders signed by said commissioners; and the said collector shall in the collection of said assessments be liable to the same pains and penalties, and entitled to the same fees as in the collection of the annual township taxes.

Failure to pay assessments, land to be sold.

6. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid, shall fail to pay the assessment laid thereon within six months from the time that the same shall become due by virtue of this act, upon which the said assessment is a lien, said land shall be sold in the same manner.

Not to apply to town of Red Bank.

7. *And be it enacted*, That nothing in this act, nor anything in the act to which this is a supplement, shall apply to any road or street within the corporate limits of the town of Red Bank, in said township.

Repealer.

8. *And be it enacted*, That all portions of the act to which this is a supplement, inconsistent herewith, shall be and are hereby repealed.

Public act.

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

Approved March 21, 1871.

CHAPTER CCLII.

An Act to enable the owners of Meadow and Low Lands along the Assiscunk Creek, in the county of Burlington, to effectually drain and to secure the same from overflow of tides from the river Delaware.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the owners of meadow and low lands, lying and being along the Assiscunk creek, in the county of Burlington, over which the tide water of the Delaware river flows, are hereby constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Assiscunk Creek Meadow Company," with full power, by that name, to have perpetual succession, and to be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and to make and use a common seal, and the same to alter at pleasure; and they and their successors shall be capable of purchasing, holding and conveying any lands and tenements, goods and chattels whatsoever, necessary or expedient for the purpose of said company, or to make by-laws for the government of the same, not inconsistent with the laws of this State or the United States. Corporate name.

2. *And be it enacted*, That Stacy H. Scott, John Mitchell, Godfrey H. Hays, James Lowry, Samuel W. Earle, Thomas Burnett, Charles Lippincott, James E. Hays, be and are hereby appointed commissioners, who, or a majority of whom, shall, at any time between the passage of this act and the first day of the fourth month, April next, make or cause to be made, a survey of the exterior limits or boundaries of said meadow or low lands, over which the tide water flows, and which may be reclaimed; and shall cause each owner's share within said limits, to be strictly measured, and a correct plot or map of the same to be made, exhibiting the entire bounds of said survey, as also the owner's name and the number of acres held by each person respectively. Commissioners.

Notice to be published that a meeting of the owners will be held.

3. *And be it enacted*, That the said commissioners, after they have made or caused to be made, a survey and map of said meadow and low lands, as aforesaid, shall give five days' notice in writing to each of said owners, or by two weeks' public notice by advertisement in a newspaper printed and published in the city of Burlington, that a meeting of the owners of the said meadow and low lands will be held in the city of Burlington, at a certain time and place in said notice to be named, when and where the said commissioners shall make a public exhibit of their said survey and map, with the names of the owners, and the number of acres owned by each, as aforesaid; and may hear any objections that may be made to the same, and shall make such corrections and amendments thereto as the said commissioners, or a majority of them, shall deem just and right; which said survey and map corrected and amended, if any corrections or amendments be made thereto, shall be endorsed with a certificate of said commissioners, or a majority of them, that said survey and map is correct and true according to the best of their skill and understanding; and the same shall be filed with the clerk of the county of Burlington; and the said map and survey so filed shall be final and conclusive against all parties concerned, and shall be the basis upon which all assessments of taxes for the purposes of this act shall be made.

Notice of meeting to be given in writing.

4. *And be it enacted*, That immediately upon filing of the said map and survey, with the certificate as aforesaid, the said several owners of meadow and low lands, named in the same, with their successors, shall constitute the Assiscunk Creek Meadow Company, incorporated by the first section of this act, and it shall and may be lawful for any three of the members of the said company to call a meeting of the said company at Burlington, by giving five days' notice, in writing, to each of said owners, or by two weeks' notice, by advertisement in a newspaper printed and published in the city of Burlington, specifying the time and place, when and where said meeting shall be held; at which time and place

Election of officers.

the owners of two-thirds of the number of acres of said meadow and low lands, having met in person or by proxy, the said company may proceed to elect, by ballot or otherwise, at the rate of one vote for every five acres or fractional part thereof, held by said owners, respectively, by plurality of votes of those present as aforesaid, five mana-

gers, a treasurer, and clerk, who shall be members of said company, and continue in office for one year, and until others shall be elected in their stead; and the said managers or a majority of them, shall, at the said meeting of said company, and after all elections of managers thereafter, choose out of their own number a president, and in case of the death, resignation, or removal of the president or any of the managers, treasurer, or clerk, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said managers or a majority of them, and at all the subsequent meetings of the said company the same ratio and method of voting shall be observed as is provided in this section for the election of managers, treasurer, and clerk, by the said company, except it shall require but a majority of the number of acres of said company to be represented. Vacancy.

5. *And be it enacted*, That it shall and may be lawful for the said company to construct in and across said creek, at the most convenient point south of where the Columbus road crosses the same, a good and sufficient bank, dam, sluice, flood-gates or pipes, or any or either of them, with all necessary foundation and abutments, and the same to fasten; and to do all other necessary work in and about the construction of the same, that will the more effectually exclude the tide from said meadow and low lands, and after the same is so constructed, to maintain and keep in suitable and proper repair. May erect dams, flood-gates, &c.

6. *And be it enacted*, That the president and managers of the said company or a majority of them, shall have full power and authority to select the location and to construct the said dam or other water works in such way and of such materials, and of such character and dimensions as they shall think necessary or proper to carry into full effect the object of this act; and as soon as practicable shall be their duty to make an estimation of the sum or sums of money which they shall think necessary to defray the expenses of making and constructing said dam or other water works so determined upon; and shall make a just assessment upon the several owners of the meadow and low lands in the Assiscunk Creek Meadow Company of the sums of money which each shall pay of the aforesaid estimated expenses. such assessment shall be ratably according to the number of acres held by them respectively; such assessments to be set Managers to select location. May make assessments.

forth and specified in a duplicate made and signed by said president and managers, or a majority of them, containing the names of owners, the number of acres and parts of acres held by each, the sum assessed on them severally, and the time or times of payment, which duplicate shall be delivered by them to the treasurer; and if the aforesaid estimate should not produce a sufficient sum of money to make and construct said dam or other water works, said president and managers shall make such other and further assessment or assessments as may be necessary for that purpose, and the same may and shall be assessed as is hereinbefore directed for the assessment of the original assessment.

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

7. *And be it enacted*, That for the purpose of making and constructing said dam or water works, the said president and managers shall have full power to take and use any earth, mud or sod, or other materials in any part of said meadow or low lands the most convenient thereto, and to have free egress and ingress for themselves and their hands and teams through any part thereof, doing no unnecessary damage to the owners thereof; and if unnecessary damage should be done to any of the said owners, such damage to be assessed by three disinterested persons mutually chosen by such aggrieved owner and said manager, and the decision of any two of said arbitrators shall be final, and the amount of the damages so assessed shall be paid by the treasurer.

How assessed.

8. *And be it enacted*, That the treasurer, on the receipt of the aforesaid duplicate of assessment mentioned in the sixth section of this act, and upon the receipt of any assessment or assessments made thereafter as is provided in the said section for the original assessment, shall in person, or by notice in writing left at the usual place of abode of each owner, demand of and from each owner, twenty days before the time of payment of the sum assessed by said managers as aforesaid; and if any of the said owners shall neglect or refuse to pay the sum assessed as aforesaid against him, her or them, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful for the

Treasurer to sue for and collect assessments.

treasurer in the name of the Assiscunk Creek Meadow Company, to sue for and collect the same, with costs of prosecution, within thirty days thereafter, from such person or persons in default by an action of debt commenced in any court of competent jurisdiction in the State; and the said

treasurer shall give the assessment and this act in as evidence; and the said court is hereby empowered to give judgment and grant execution for the same with costs of suit.

Lands to be kept drained.

9. *And be it enacted*, That as soon as said dam or other water works are constructed as is provided in the fifth section of this act, it shall be the duty of each and every owner and occupier of the said meadow and low lands to cause his, her or their respective portion or share of the said meadow and low lands to be thoroughly and effectually drained of all stagnant and other water, through open ditches or other drains, and the same to be kept thoroughly and effectually drained as is in the judgment of the managers, or majority of them, deemed necessary to secure the improvement of the said meadow and low lands contemplated by the provisions of this act; and in case of default of the performance on the part of the said owners or occupiers to drain the same and to keep the same drained as aforesaid, after twenty days' notice in writing signed by the president, it shall be lawful for the said managers to cause the same to be done, and all costs for the same shall be assessed upon said premises so drained, and shall be a lien upon and shall be collected as is provided in this act for the collection of the original assessment.

Notices to be given.

Duties of treasurer.

10. *And be it enacted*, That the treasurer, before entering upon the duties of his office, shall be required to give bonds in such penal sum, as shall be required by the president and a majority of the managers, for the faithful performance of his duties; and shall not pay out any money, unless upon the written order of three of the managers, of whom the president shall be one; and it shall be the duty of the treasurer, at the end of his term, to produce vouchers for all moneys by him paid out, and deliver the balance, if any there be, with all papers and books of said company, over to his successor.

Duties of clerk.

11. *And be it enacted*, That it shall be the duty of the clerk, from time to time, to enter in a book, to be provided for that purpose, all votes, proceedings, orders and assessments made by said managers, and all transactions whatsoever which the said managers shall direct, and shall have charge of the seal of the said company, and shall, at the expiration of his term, deliver the said books and seal to his successor.

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

for the said company, and they are hereby empowered, to
May borrow money. borrow any sum or sums of money for the erection and construction of said dam or other water works, the same not to exceed the sum of fifteen thousand dollars; and shall secure the payment thereof by bond and mortgage, or otherwise, upon the meadow and low lands of the said company, at the rate of lawful interest.

Property pledged for money expended or assessed. 13. *And be it enacted*, That for the security of money expended or to be expended, or assessed by virtue of this act, all the meadow and low lands that shall be included within the limits of the Assiscunk Creek Meadow Company shall be a pledge for the payment of its respective share, into whose hands the same may come, notwithstanding any judgment, execution, sale or alienation thereof; and the said sum or sums of money so assessed to be recovered as directed in the eighth section of this act.

Day of annual meeting. 14. *And be it enacted*, That it shall be lawful for the said company to meet and assemble statedly on the first Monday in April, yearly and every year, at two o'clock in the afternoon of that day, at such place as the president shall from time to time appoint at the previous meeting, and shall elect
Proviso. the officers of said company as is provided in this act; *provided always*, that nothing in this act contained shall be construed to prevent the clerk from being the treasurer; and the said treasurer and clerk shall receive such compensation as the managers shall determine upon.

15. *And be it enacted*, That this act shall go into effect immediately after the passing thereof.

Approved March 21, 1871.

CHAPTER CCLIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the second, third, fourth, fifth and sixth sections of the supple-

ment to "An act respecting Coroners," approved March eighth, one thousand eight hundred and sixty-one, be and the same are hereby extended and made applicable and in force in and to the county of Hudson. Provisions of act extended to Hudson county.

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

Approved March 21, 1871.

CHAPTER CCLVII.

An Act to provide for the working of roads in the township of Lodi, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Lodi be and is hereby divided into three road districts, as follows, viz: district number one, bounded southeasterly by the Hackensack river, southwesterly by the township line, northwesterly by the Hackensack and New York railroad and northeasterly by the township line; district number two, bounded southeasterly by said railroad, southwesterly by the township line, northeasterly by the township line, and northwesterly by the northwest boundary line of Henry Schoonmaker's homestead farm, and said line extended to the southwest township line and to the northeast township line; district number three, all that part of the township which lies west of district number two. Boundaries.

2. *And be it enacted*, That the freeholders residing within said township shall annually assemble on the day after the second Monday in April, at three o'clock, in the afternoon, in their respective districts, at some public and convenient place designated by the clerk of said township in public advertisements of said meetings, which he shall put up in three of the most public places in each of said districts, at least ten days before said day of meeting, and being so assembled said freeholders shall, in their respec- Day of meeting.

tive districts, organize by electing a chairman and secretary, and being so organized shall, by plurality of voices elect an overseer of highways for said district, and determine the amount of money to be raised therein for the working, maintaining and repairing of highways therein; said chairman shall within thirty days thereafter certify such election and determination to the clerk and assessor of said township, and thereupon the said assessor shall levy and assess said respective amounts upon the taxable property in the said districts; and the collector of said township shall collect the same at the times and in the same manner that township taxes are collected, but no deduction or allowance shall be made for debts, and where a resident owns land in more than one district, his land shall be assessed in and only towards the moneys to be raised in the district wherein he resides.

Overseer of highways to be elected.

Assessor to assess amounts.

Township committee to borrow money.

3. *And be it enacted*, That the township committee of said township shall have power to borrow moneys in anticipation of said assessments, not exceeding in the aggregate the amounts determined to be raised as aforesaid.

Road taxes to be paid in money.

4. *And be it enacted*, That hereafter all road taxes in said township shall be paid in money.

Overseer to employ laborers, &c

5. *And be it enacted*, That said overseers shall employ laborers, hire teams, and procure necessary tools and materials to improve, maintain and repair the highways in their respective districts, and shall work out by the first day of June in each year, one-fourth of said moneys, by the first day of July, one-half thereof, and by the first day of August three-fourths thereof.

Orders to be drawn on collector.

6. *And be it enacted*, That the bills of said overseers, duly verified before a justice of the peace, shall be presented to the township committee monthly for examination and allowance (not to exceed the amount determined to be raised in their respective districts), and if allowed and approved, the township committee shall thereupon draw their order therefor in favor of said overseer, on the township collector, who shall pay the same.

Term of office and vacancy.

7. *And be it enacted*, That said overseers shall hold office for one year, and in case any of them shall die, resign, remove from his district, or fail or refuse to serve, the township committee shall appoint another to hold till the next election.

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

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

Approved March 21, 1871.

CHAPTER CCLVIII.

An Act to regulate the sale of malt liquors in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to sell ale, strong beer, lager beer, porter or other malt liquors (except where the same is compounded and sold as a medicine), in quantities less than a quart, or in quantities more than a quart, if the same is drank on or about the premises where sold, in and through the county of Gloucester, without a license first had and obtained for that purpose from any three of the judges of the court of common pleas of said county. Not lawful to sell without license.

2. *And be it enacted*, That written application for the license shall be made and signed by applicant, stating the kind or kinds of malt liquor he proposes to sell, and the place or township where he proposes to locate his saloon or shop; which application shall also be signed by ten freeholders of the township where he proposes to locate his place of business, who shall recommend said applicant as a sober and honest man, of respectable antecedents and associations; after which shall follow an affidavit of applicant that said persons recommending him are freeholders of said township, and that he will keep a quiet and orderly resort, according to requirements of law. Application for license.

3. *And be it enacted*, That no person shall be licensed to sell malt liquors, as aforesaid, unless the freeholders who recommend him shall also certify that said saloon, shop or other resort for the selling of malt liquors, is necessary and will conduce to public good. No license to be granted.

Recognizance to be given by the person making application.

4. *And be it enacted*, That every person, before he or she shall receive such license, shall become bound by recognizance to the State in the sum of two hundred dollars, as principal, with two sufficient sureties, being freeholders in the county, in the sum of one hundred dollars each, with condition following, to wit: the condition of the recognizance is such, that whereas, the above bounden A. B. is licensed by the court to sell malt liquors, in the house at —— in the township of ———, in the county of Gloucester, for the space of one year next ensuing; if therefore the said A. B., during the continuance of his said license, shall not keep a disorderly house, nor game himself, nor suffer any person to game in his or her house for money or the value of moneys, nor violate the provisions of this or other laws against encouraging and harboring drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes and other disorderly persons, nor any minors, apprentices, or boys attending school or college; but shall in all things respecting him or her, use and maintain good order and rule, and observe the directions of the law, then this recognizance to be void, or else to remain in full force and virtue.

Recognizance to be acknowledged.

5. *And be it enacted*, That this recognizance may be taken before any judge of common pleas out of court, master in chancery, or supreme court commissioner, and being signed by said applicant and sureties, and acknowledged before said officer and filed by said clerk, shall have the same force and effect as if the same had been taken in open court.

Fees for.

6. *And be it enacted*, That the officer taking such recognizance shall be entitled to the sum of fifty cents; the court for inspecting paper and granting license, the sum of one dollar; and the clerk of the court for drawing and filing such recognizance, drawing license and affixing thereto the seal of the court, and making entry in the minutes of such license, shall demand and receive the sum of five dollars.

Form of license.

7. *And be it enacted*, That every license to sell malt liquor shall be signed by the clerk of the court granting the same, and shall have the seal of said court affixed thereto by said clerk, which license shall be in the words and to the effect following, viz:

Gloucester county, to wit: At an inferior court of common pleas, in and for said county, held at———, in the same, the ——— day of ———, in the year of our Lord one thousand ———, the said court doth hereby allow and

license A. B. of the township of ———, to sell malt liquors in the place he now keeps, for one whole year from day aforesaid, and no longer; so that said A. B. shall use and exercise this license during the said term, according to the just and true meaning of the laws in such cases made and provided.

Given under my hand and the seal of said court, (the day and year first above written.) C. D., Clerk.

Not to sell only in place where license is granted.

8. *And be it enacted*, That no license shall entitle a person to keep and sell malt liquors in any other place than that in which it was first kept by virtue of such license, and such license, with regard to other places and persons, shall be void.

Day to make application.

9. *And be it enacted*, That application for license under this act shall be made on the first day of the session of such court; and the said court shall, on that day, or on some other day publicly fixed by said court on said first day determine in open court on said application, by granting or refusing the same.

Renewal of license.

10. *And be it enacted*, That every such license shall be made to continue for one year and no longer, but may be renewed yearly by said court upon like recommendation, penalties, assessments and fees as when such license was first granted.

Cost of license.

11. *And be it enacted*, That every person licensed under this act shall, before license is delivered to him, pay the clerk of the court such sum as the court shall assess, which shall be not less than ten and not more than two hundred dollars; and no license shall be delivered to any person unless the money so assessed for the same, and all fees shall have been paid to the clerk.

Duties of clerk.

12. *And be it enacted*, That it shall be the duty of the clerk to enter in the minutes of said court a statement of all persons licensed, and place of location, together with sums assessed for said licenses, and date of receiving the same, and within one month after receipt of such moneys, shall pay them over to the county collector, for the use of the county.

Penalty for selling without license.

13. *And be it enacted*, That if any person or persons shall, without a license for that purpose first had and obtained according to this act, sell, or cause or knowingly permit to be sold, directly or indirectly, any ale, strong beer, porter,

lager beer, or other malt liquors (except such as are compounded and intended to be used for medicine) under the quantity of one quart, or in quantities more than a quart, if the same is drank in, on, or about the premises where sold, then he or she so offending shall forfeit and pay for every such offence, the sum of forty dollars, to be recovered by action of debt by any person who may prosecute for the same; two-thirds for the benefit of the person prosecuting, and the residue for the said county of Gloucester; which action shall be instituted in the court of common pleas, in the corporate name of the board of chosen freeholders of said county, and judgment for plaintiff shall carry with it full costs of suit, as in case of judgment for debt and damage over one hundred dollars; *provided always*, that said suit shall be brought within one year after the offence was committed.

Proviso.

Penalty for selling.

14. *And be it enacted*, That in addition to the penalty imposed in section thirteen for each separate offence, if any person or persons shall make a business or practice of selling malt liquors aforesaid, without a license first had and obtained according to this act, or shall sell on Sunday, then such person or persons shall be held as keeper or keepers of disorderly houses, and shall be liable to indictment and conviction as keepers of disorderly houses, and subject to like pains and penalties as are now imposed by law on keepers of gambling houses, houses of prostitution and other common nuisances.

Recognizance forfeited.

15. *And be it enacted*, That if any person licensed under this act shall harbor in or about his premises, or sell any malt or other liquor to boys attending any school or college, or to any apprentice or minor, without written authority from their teachers, masters, parents or guardians, the recognizance given in pursuance of this act shall be taken and forfeited according to law in such cases made and provided.

Penalty.

16. *And be it enacted*, That if any such person licensed under this act, or without a license, shall violate the provisions of section fifteenth, in addition to said penalty he shall forfeit and pay the sum of fifty dollars for each offence, four-fifths to any person who may prosecute for the same, and the residue to the county, to be prosecuted and recovered in the same manner and way as the penalty mentioned in

section thirteen; *provided*, that said suit is commenced within one year after the offence is committed. Proviso.

17. *And be it enacted*, That this act take effect on the first day of April next.

Approved March 21, 1871.

CHAPTER CCLIX.

An Act for revising and amending the "Act to incorporate the Village of Passaic, and to set off said village from the township of Aquackanonk."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Aquackanonk, in the county of Passaic, in the State of New Jersey, situate, lying and being within the following described boundaries, to wit: beginning at low water mark on the westerly side of the Passaic river, at the point where the southerly line of lands of James Goetchius intersects said river, thence north forty-nine degrees and thirty minutes west, over lands of Halmagh Sip to the most southerly line of lands of John J. Ackerman, where it joins lands of the late Halmagh Sip; thence running north forty-nine degrees and thirty minutes west, along the northerly line of the said lands to the line known as the "Dwas line;" thence along the said "Dwas line" north forty-four degrees and forty-one minutes east, five chains and eighty links to a corner in the northerly line of lands late of Halmagh Sip, deceased; thence along the last mentioned northerly line, north forty degrees and forty-one minutes west, to the northwesterly side of the Bloomfield or Mineral Spring road; thence north twenty degrees and forty-one minutes east, one hundred and sixteen chains and six links, more or less, to the northwesterly corner of Henry V. Butler's farm; thence north seventy-seven degrees and forty-five minutes east to the westerly side of the Passaic river at low water mark; thence southerly and westerly along said low water mark of the Passaic river, the several courses thereof, to the place of beginning, be and the same is hereby set off and formed into a town corporate, Boundaries.

to be designated and known in law as and by the name of
Corporate name. "The Village of Passaic;" and all citizens of this State who now are or hereafter may be inhabitants within said limits, shall be and they are hereby constituted a body politic and corporate in law, by the said name of "The Village of Passaic."

Boundaries of districts. 2. *And be it enacted*, That the said village of Passaic shall be divided into three districts, as follows: first, all that part thereof lying easterly and northeasterly of the centre line of the road known as the Paterson and New York Plank Road, shall constitute the "first district" of said village; second, all that part thereof lying northerly of the centre line of Paulison avenue, continued on the same course to the easterly and westerly limits of said village, and westerly or southwesterly of the centre line of the line of the Paterson and New York Plank Road, shall constitute the "second district" of said village; third, all that part thereof lying southerly of the centre line of Paulison avenue, continued as above, shall constitute the "third district" of said village.

Village officers. 3. *And be it enacted*, That the officers of the said village shall consist of a president, nine councilmen, three judges of election, one clerk, (who shall also be clerk of elections), one treasurer, one legal adviser, one superintendent of streets, one overseer of the poor, three commissioners of appeal in cases of taxation, one chosen freeholder, one assessor, one constable for the county, one pound master, as many justices of the peace as are provided for by law, two surveyors of highways, one surveyor, and one collector of taxes and assessments, who shall be elected or appointed as hereinafter specified, and all of whom shall be legal voters; the president and superintendent of streets shall be freeholders, and residents in the said village; the said councilmen shall be freeholders, and residents in the districts respectively from which they are elected or appointed; the said judges of election shall be residents of the districts respectively from which they are elected; and the said clerk, treasurer, superintendent of streets, and other officers enumerated in this section, shall be residents of said village; all of which officers, except the president, shall hold their respective
Terms of office. offices for one year, and until their successors are elected or appointed and duly qualified; and the said president shall hold his office for two years, and until his successor is elected
Proviso. and duly qualified: *provided*, that at the first election to be

held after the passage of this act, two councilmen from each district shall be elected to serve for one year, and one councilman heretofore elected for two years shall serve the balance of his term; and at every subsequent election three councilmen shall be elected from each district for the term of one year; *and provided further*, that nothing herein contained shall affect the term of office of any of the officers of the present board. Proviso.

4. *And be it enacted*, That an election shall be held on the second Monday of April next, and on the second Monday of April, in every year thereafter, at such place in the said village as the board of council of said village shall appoint, between the hours of seven o'clock in the forenoon and seven o'clock in the afternoon, of which elections, after the said first election, the board of council shall cause public notice to be given by the village clerk, by written or printed notices put up in at least two public and conspicuous places in each of said districts at least one week before the day of election, and by publication in a newspaper published in said village, if any; and at the said election there shall be voted for and chosen by a plurality of votes, and by the legal voters of the village, one president, one assessor, one collector of taxes and assessments, three commissioners of appeal in cases of taxation, one overseer of the poor, one chosen freeholder, one constable for the county, and as many justices of the peace as are now provided for by law, and two surveyors of the highways, and by the legal voters of the districts respectively, three councilmen from each district; *provided*, there shall be vacancies in said offices to fill, as required in the preceding section of this act, and one judge of election for each district, having the qualifications mentioned in section three of this act; said elections shall be by ballot, and each ballot shall specify the number of the district from which said councilman and judge of election are voted for; and in case any ballot shall fail to designate the number of the district for judge of election or such councilman, the names in relation to which such omissions shall occur shall not be counted by the judges of election in determining the result; the judges of said elections shall be provided with three ballot boxes, one for each district, in which they shall deposit the ballots of the voters from the corresponding districts; and said elections shall be held and conducted in the same manner and under the same regulations

Day of election.

Officers to be elected.

Proviso.

Judges of election to make statement of the result of election.

as to qualifications of voters and otherwise, as provided by law for the election of members of the Legislature; and as soon as the polls shall be closed the said judges and clerk shall proceed to examine and count the said ballots and ascertain the result of said election, and the return thereof shall be made and signed by the judges, and be attested by the clerk, and within two days thereafter be deposited with the village clerk, to remain on file in his office; and the said clerk shall, within five days thereafter, deposit a certified copy thereof with the clerk of the county of Passaic, to remain on file in his office; and all subsequent elections shall be held by the judges of election who shall have been elected at the last previous election, and by the clerk appointed by the board of council, and who shall, at the opening of the polls, respectively take the oath or affirmation before a justice of the peace of the county or the president of said village, which is hereinafter prescribed for other officers in this act; and the said judges and clerk may hold any such election notwithstanding they or either of them may be candidates for re-election; and if any of said judges or such clerk shall be absent at the opening of the polls, or refuse to serve, other persons, duly qualified, may be elected to serve in their places to hold the election, in the same way as may be provided by law in like cases at township elections.

Nomination and confirmation of certain officers.

5. *And be it enacted* That at the first meeting of the board of council held next after their election, there shall be appointed, upon the nomination of the president and by the approval and confirmation of the council, the said village clerk, the superintendent of streets, the surveyor for the corporation, legal adviser, treasurer and poundmaster, hereinbefore provided, who shall serve for one year, unless sooner removed by the said board; and the said board of council shall have power to remove any of said apppointed officers, and upon nomination by the president, to appoint a successor to serve for the balance of the term; *provided*, that if any of said officers should not be appointed at such first meeting of the board for any cause, they may be appointed at any future meeting of said board in the manner above specified; and if any vacancy should occur in the elective or appointed officers, the board of council may, upon nomination by the president, fill such vacancy until the end of the official year in which the vacancy shall occur; and the said board shall

Proviso.

hold their first meeting on the first Monday next after the election.

May have a seal.

6. *And be it enacted*, That the corporation hereby created may, by the name and title of "The Village of Passaic," sue and be sued, answer and defend, implead and be impleaded unto, in any of the courts of the State, and may have and use a common seal, alterable at the pleasure of the board of council.

Council, organization how effected.

7. *And be it enacted*, That the president and nine councilmen to be elected as aforesaid, shall constitute a board of council; the legislative powers of said corporation shall be vested in the said board, and five of the council shall be necessary to form a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the president shall preside at all meetings of the board, and shall have power to call special meetings when in his opinion the public good requires it, but he shall not be entitled to a vote in the proceedings of the board, except in case of a tie vote of the councilmen, when he may give the casting vote, and in his absence a president pro tempore may be appointed by the councilmen present, with all the powers of the president; the board shall appoint their time and place of meeting, determine the rules of their own proceedings, be the sole judges of the qualifications of their own members, cause a journal of their proceedings to be kept; and the said board of council shall have power and authority to pass, ordain, adopt, enforce and repeal ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying into effect the provisions of this act; and hereafter every ordinance adopted by the board of council shall before it takes effect be presented, duly certified by the clerk, to the president, and the report of the clerk shall be conclusive evidence that such ordinance has been so presented; if he approves it he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within ten days after he receives it; and the said board shall at its first regular meeting thereafter order the objections to be entered at large in its journal and shall proceed to reconsider the same, and if a majority of all the councilmen shall then pass the same, it shall be in force and take effect from time of such passage, but in every such case the final vote upon the pas-

sage of such ordinance shall be taken by ayes and nays, and entered in full in the journal of said board; and if any such ordinance shall not be so returned by the president within ten days as aforesaid, it shall take effect as though he had signed it.

Officers appointed under this act may be required to give bonds.

8. *And be it enacted*, That the said board of council may require from any of the officers appointed by virtue of this act, bonds for the faithful performance of their trusts and duties as the said board shall deem expedient; and no officer elected or appointed under this act shall enter upon the discharge of his duties, unless within one week after his election or appointment, he shall take and subscribe, before a justice of the peace of said county, or the president of said village, who is hereby authorized and empowered to administer the official oaths or affirmations to all village officers except himself, an oath or affirmation faithfully and impartially to execute the trust imposed on him as such officer; and the said clerk shall keep all such oaths and affirmations on file in his office.

Duties of treasurer.

9. *And be it enacted*, That the treasurer shall receive all moneys collected by or for the said corporation, from the persons who shall collect the same; and shall pay out the same only upon warrants approved and ordered by the board, which approval shall be endorsed upon the warrants and signed by the president, and countersigned by the clerk, except for the payment of bonds or notes of the village when due, and certificates of indebtedness for improvements given by the said corporation and interest on the same; and no warrants upon the treasurer shall be so ordered, except at a stated meeting of the board, and entered on their minutes; all such warrants shall be regularly numbered, and be made payable to the order of the person entitled to receive the same, and shall specify the purpose for which the amount therein mentioned is directed to be paid.

Village clerk to have charge of all books, &c.

10. *And be it enacted*, That the village clerk shall, in addition to the duties required of him by this act or any other act of this State, have charge of all the records, books and documents of the village, except when the board of council shall otherwise direct by ordinance or resolution; he shall keep a record of the proceedings of the board; he shall engross all the ordinances of the board in a book to be provided for that purpose, with proper indices, which book

shall be deemed a public record of such ordinances; and each ordinance shall be signed in said book by the president or acting president of said board, and said clerk; copies of all papers duly filed in the office of said clerk, and transcripts of the records, proceedings, laws or ordinances of the said board, certified by him under the corporate seal of the village, shall be evidence in all courts and places.

President and councilmen to make arrests.

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

Commencement of official year.

12. *And be it enacted*, That the official year of the persons who shall be elected in pursuance of this act, shall commence on the Monday succeeding their election, and the official year of the several officers appointed in pursuance of this act shall commence on the second Monday after the said election.

Compensation and salaries of officers.

13. *And be it enacted*, That the salary of the clerk of the village shall be the sum of three hundred dollars per year, and he shall be entitled to charge individuals, by whom he shall be employed to copy records of his office or proceedings of the board of council, at the rate of ten cents per folio for said services, but no more; the superintendent of streets shall receive a salary not to exceed the sum of three hundred dollars per year; and the board of council shall have power to fix the salary, pay or compensation of all other officers appointed by the board by general ordinance; *provided*, that the compensation of the collector of taxes and assessments shall not exceed one per centum of the sums collected by him; and the salary or compensation of any officer which has been once fixed, shall not be increased or diminished during his term of office; the president and councilmen shall not receive any pay or compensa- for their services; and the judges of election shall receive the same compensation for holding the elections, as judges of election, in the township are entitled to for like services; and the several officers elected under this act shall perform

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the same duties, be subject to the same penalties, and entitled to the same compensation as like officers of the said township of Aquackanonk have by law heretofore been required to perform, subject or entitled to, except as to the compensation of the collector of taxes and assessments, which is herein provided for; and the books of account of the treasurer and collector of taxes and assessments shall at all times be open and subject to the inspection of the finance committee of the said board of council; and all moneys collected by the collector of taxes and assessments, for the said corporation, shall be by him promptly paid over to the treasurer, and he shall make a true report to the said board of council of all moneys by him collected and paid over, at the first meeting of said council in each and every month; and the said treasurer shall deposit all moneys received by him as treasurer in such bank or banks as shall be designated for that purpose by said council.

No inhabitant to be incompetent in legal proceedings.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question, to which issue or investigation the village of Passaic shall be a party, or in which it shall be interested, no person shall he deemed an incompetent judge, juror or witness, by reason of his or her being an inhabitant, taxpayer or freeholder of the village.

Board of council to make publication of all receipts and expenditures.

15. *And be it enacted*, That the board of council shall at least once a year and not more than twenty days, nor less than fifteen days before the annual village election, publish, by setting up the same in five conspicuous places in said village, and printed in a newspaper published in said village, if any, 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 been received and paid out by the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, and the amount due and unpaid, with all such other information as may be necessary for a full understanding of the financial concerns of the village, which statement shall be sworn to by the president and clerk, and in case of a failure to perform the duties imposed by this section, the officer or officers so failing, shall be liable to a fine of one hundred dollars, to be recovered in an action of debt in the name of the village of Passaic, by any citizen thereof, one-half to go to such prosecutor and one-half to be paid into the treasury for the use of the village.

16. *And be it enacted*, That all taxes provided for by this or any other act, to be assessed upon and collected from persons and property within the corporate limits of the village of Passaic, shall be levied and collected by the proper officers of the village of Passaic; *provided*, that the taxes to be assessed within the corporate limits shall be assessed at such rate per centum upon all property therein taxable, as shall be fixed by the board of council by resolution, not exceeding, however, one-fourth of one per centum of the fair and full value of such property, for municipal purposes; but such rate per centum may be increased for any one year by a two-thirds vote of the voters of the village, at any annual election; and the poll tax in said village shall not exceed one dollar; and the said board shall cause a notice of the rate of such percentage, as fixed, to be served upon the assessor of said village before making his assessments in said village; *provided also*, that no taxes for any purpose shall be levied or assessed upon any property within said village, which shall be owned by the said village in its corporate capacity, or which shall belong to any fire department of said village, nor upon church or public school property which shall be held and used exclusively for church and school purposes; but this proviso shall not exempt any such property from liability for street assessments under this act.

Taxes to be levied and collected.

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17. *And be it enacted*, That all taxes or assessments which shall be laid, assessed or made by the board of council of the said village, or by their authority upon any lands, tenements or real estate within the said village, with the lawful interest thereon accruing, and all costs and fees in relation to said taxes and assessments and collection thereof, shall be and remain a lien thereon for the space of three years from the completion of any such tax or assessment, notwithstanding any devise, descent, alienation, mortgage, law or other incumbrance thereon, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited by the said board for the payment thereof, a penalty of two per centum shall be added to the amount if not paid within thirty days after it so becomes payable, and at the rate of fifteen per centum per annum thereafter; and it shall and may be lawful for said board in case any tax or assessment shall not be paid, with interest thereon within six months after the

Real estate may be sold for payment of taxes.

same shall become due and payable, to cause such lands to be sold at public auction for the shortest time 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, fees and expenses, and upon payment of the same by the purchaser, to execute, under the common seal of said village, a declaration of such sale, to be signed by the president and attested by the 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 land, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until such term shall be completed and ended, and be at liberty to remove at or before the expiration of such time, all buildings and materials which he or they shall erect or place thereon; and in case of sale of any real estate in said village for taxes or assessments levied or made within two years last past, the purchaser shall be allowed to demand and receive from the party redeeming the same, interest on the money paid by him or her upon said purchase, at the rate of fifteen per centum per annum, and each and every delinquent in the payment of such taxes or assessments, who shall be in arrear in the payment of such taxes or assessments, after the expiration of thirty days' notice to pay the same, shall be liable to a fine of two per centum on the amount due, and to the payment of interest thereon at fifteen per centum per annum; all of which shall be and remain a lien on such land or real estate, and be collected, in case of sale, in the same manner as the said taxes and assessments shall be collected; *provided*, the said board of council shall first have caused said sale to be advertised for at least sixty days, by advertisement put up in at least five public or conspicuous places in said village, one whereof shall be put upon the lands so advertised, and by publication in a newspaper published in said village, if any, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of tax or assessment, and be signed by the clerk, and the recitals in such declaration of sale shall be evidence of the tax or assessment, advertising and sale; *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 in behalf

Purchaser to receive interest on redemption.

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Mortgagee may redeem.

of such owner, mortgagee, occupant or person so interested in said lands, tenements or real estate, at any time within three years after the sale for such tax or assessments, by payment of the purchase money to the treasurer of the village, to and for the use of such purchaser, together with any other sums paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer of the village, stating the payment and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem, at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale, for any assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or by those claiming under him, either personally or by being left at his usual place of abode, or if not residing or to be found in the said village of Passaic, then such notice shall be deposited in the post office of said village, 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 assessment or sale; *provided also*, that the term of time for which any lands, tenements or real estate shall be sold as aforesaid, shall commence at the expiration of three years after such sale, and the purchaser thereof, or those claiming under him, shall not have the right of possession to said lands, tenements or real estate, until the expiration of said three years; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered into possession thereof, natural wear and accidents excepted, but he shall have the right to remove therefrom, at or before the expiration of his term, any buildings and materials erected or placed thereon by him; *provided also*, that if at any such sale of lands, tenements or real estate for assessments, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful to adjourn the said sale for not less than thirty days,

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Sale of lands may be adjourned.

nor more than sixty days, and twenty days' notice shall be given as aforesaid of such adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of said village to purchase such lands, tenements or real estate in the name of and for the benefit of the said village, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such assessments paid by any mortgage or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount as paid, with interest at the rate of fifteen per centum per annum; and such lien shall have precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage thereon by such mortgagee redeeming, or to which he shall be a party, shall be directed to be made out of said lands, and on sale of said lands under any judgment, shall be paid out of the proceeds of the sale; and a complete record of all assessments shall be kept in the village clerk's office, which record shall contain the time when such assessments were laid, the time when they were paid, and (if the property had been sold therefor) the time of said sale, and to whom sold, and for what consideration, and if redeemed, when and by whom; it shall also be duty of the village clerk to record in a book, to be called "record of sales," all declarations of sales, and to give certificates of searches 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 village treasurer of such redemption, and to file such certificate in the said clerk's office, for which services the party for whom they are performed shall pay to said clerk the same fees as are allowed by law to the clerk of the county of Passaic for the performance of similar services; and it shall be the duty of the village treasurer to make out two certificates for all property so redeemed, one for the person redeeming, and one to file in the said village clerk's office.

Assessments to be a lien on property.

Record of taxes and sales to be kept.

18. *And be it enacted*, That the said board of council shall have power to make, pass, enforce, alter and repeal ordinances or by-laws to take effect within said village of Passaic, for the following purposes, to wit: to manage,

Board of council, power to make and pass ordinances, &c.

regulate and control the finances and property of the village, to ascertain and establish the boundaries of all streets, districts, lanes and avenues in said village, and to prevent and remove all encroachments, obstructions and nuisances in and upon any streets, roads, lane, avenue, or place in said village, and in every other respect to secure to the public and adjoining owners the safe and convenient use of the streets, roads, lanes and avenues for the purpose for which they are or may be laid out or dedicated; to establish, regulate and support a fire department and a police department; to prevent and prohibit all quadrupeds from running at large in said village; to make and adopt an assessment map, whereby to lay down and describe lands assessed or to be assessed for improvements; to prevent immoderate driving in the streets, and driving over and upon the sidewalks; to prevent and quell riots, routs, disturbances or disorderly assemblages in any street, house or place in said village; to restrain and prevent all acts tending to disturb public schools or places of public worship, or to annoy and disturb persons passing to or from such places; to prevent and suppress gaming houses, disorderly houses and houses of ill-fame, and to prohibit gaming; to restrain and punish all mendicants, vagrants, street beggars and common prostitutes, to suppress vice and immorality, and drunkenness, to preserve public peace and good order; to license, regulate and prohibit hawkers and peddlers, upon such terms and under such regulations as the board of council shall, by ordinance impose, and no other license for such purposes within said village, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers; to prohibit, restrain, license and regulate all menageries or collections of wild beasts, and exhibitions of any interludes, farces, theatrical exhibitions, circuses, plays, games, tricks, juggling, sleight-of-hand, feats of uncommon dexterity, and other public performances or exhibitions for money; to authorize the destruction of dogs running at large, to prescribe the duties and compensation of all officers not defined by this act or the statutes of this State; and to prescribe a penalty or penalties for the violation of any or either of such ordinances, either by imprisonment in the common jail of the county, not exceeding ten days, or by fine not exceeding fifty dollars, to be sued for and recovered with costs, in an action of debt, and in the name of the

Penalty for violation of ordinances.

village of Passaic for the use of said village, before any justice of the peace of said county, in which action it shall be lawful to declare generally in debt for the penalty and to give the special matter in evidence, and if judgment in such cases shall be given against the defendant and the same remain unpaid for five days, the said justice shall issue execution for the same, under his hand and seal, against the body of the defendant, and directed to any constable of the county, who shall execute the same in the manner and under the same liabilities as prescribed in case of like execution issued by a justice of the peace under the "Act constituting courts for the trial of small causes;" *provided*, that no ordinance or by-law shall be enacted or passed by the said board of council, unless the same shall have been introduced at a previous stated meeting, and be agreed to by a majority of the whole number of councilmen upon the passage thereof; and no ordinance or by-law shall be enacted or passed, interfering with the mill-sites, water-power or canal banks of the Dundee Manufacturing Company, without the consent of said company.

Proviso.

Open grade and regulate streets and sewers.

19. *And be it enacted*, That it shall be lawful for the board of council, by ordinance, to lay out, open, widen, alter, grade, pave, macadamize, gravel, curb and gutter any street, road or avenue or any part thereof, within the said village; to lay side and cross-walks thereon, and build and open sewers, drains and receiving basin in and upon any street, road or avenue in said village or any part thereof, on the application in writing to the said board of council, by any owner or owners of lands over or opposite which such improvements are proposed to pass; *provided*, the applicant or applicants shall first deposit with the said board as much money as the board shall deem sufficient to defray all necessary expenses preliminary to a decision of the board to execute such improvements, and if no remonstrance be filed as hereinafter provided, and the board shall decide to execute the improvement, the whole amount so deposited shall thereupon be refunded to the persons depositing the same; but if a remonstrance be filed as hereinafter provided, and the board shall decide not to execute such improvements, then the board, after deducting from the amount so deposited all such necessary preliminary expenses, shall refund the balance thereof to the persons so depositing the same; and all such applications shall be advertised by the

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board, by printed notices set up in five or more public or conspicuous places in said village, and as near as practicable to the line of the proposed improvements, for ten days at least before the same shall be adopted, and the ordinances passed to carry out the same; in and by which ordinances or ordinance, if passed, three discreet, impartial and disinterested persons, freeholders and residents in said village, shall be appointed commissioners, who shall first be duly sworn or affirmed to examine the whole matter impartially, and to the best of their judgment, skill and ability, and who shall determine what lands and real estate will be benefitted 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 improvements and of the lots or parcels of land benefitted thereby, distinguishing each lot or parcel by numbers on said map, and report the name of the owners of the several lots or parcels, as far as practicable, with the amount assessed to each, and shall assess such estimated cost upon the said lands and real estate to be benefitted thereby in proportion to the benefit received by each lot or parcel in said maps, 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 other lands, and they shall also estimate and report the value of lands taken, or which it will be necessary to take, and damages done for purposes of such improvements, and of the erections thereon, and the damages done or which will necessarily be done by taking the same, and shall report to whom the lands so taken or to be 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 clerk of the village within thirty days after their appointment, and the said clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, by printed notices set up in five or more public or conspicuous places in said village, and as near as practicable to the line of the proposed improvements; and deliver to or send by mail to the owners mentioned in the report of said commissioners at their last known place of residence; and unless within thirty days after the filing of such report the owners of two-thirds in value of the lands proposed to be assessed for such improvements (such value to be ascertained and

Commissioners to be appointed and to assess for improvements.

Report and map to be filed.

fixed in proportion to the assessments reported by the commissioners) shall file with the clerk of the village a remonstrance, signed by them or their agent lawfully authorized, the said board of council shall proceed to execute such improvements; but if such remonstrance shall be filed as aforesaid, the said board shall proceed no further in such improvement under that application; and after deducting all costs and expenses of such proceedings up to the time of filing such remonstrance, the balance of the deposit money shall be returned to said applicant or applicants, as hereinbefore provided; 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 done by taking the same shall be the sum to be paid by the said board of 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 benefitted thereby, and in the proportion reported by them; if the owner of any lands or real estate so taken or damaged 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 a justice of the supreme court at the circuit court held in Passaic county, 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 village clerk, or in his absence to the president of the village, and said justice or justices at said term, upon petition of such person dissatisfied, setting forth the cause of his, her or their complaint, shall appoint three disinterested persons commissioners, who shall be the same persons in all applications regarding the same improvement; and such commissioners shall meet on ten days' notice given by or to any of said persons so applying to each of the others, or to his, her or their attorney or agent, if they, or either of them reside in said village, and to the village clerk, and shall proceed to examine persons and papers, and to swear witnesses, and to compel their attendance and the production of papers by process of subpœna to issue out of the said court, and shall review the proceedings of the said commisssoners appointed by the board of council, so far only as the complaint or petition of the applicant to the

Remonstrance against improvements.

Owners dissatisfied may apply for appointment of commissioners to examine, &c.

Notice of meeting.

justices of the said court is concerned, and shall report in writing, under their hands, to the said board of council, their estimate of the value of such lands and buildings taken and damages done, and their assessments of such expenses on lands benefitted, which report shall be filed with the village clerk, and shall be conclusive on all parties; and the cost of their appointment and of the proceedings of said commissioners shall, in case their report is more favorable to the applicant or applicants than that of the first commissioners, be paid by the village and added to the expenses of the improvement; and in case such report is not more favorable to any applicant or applicants than the first report, then the applicant or applicants shall pay all such costs and expenses; and the proportion of such costs paid by the village shall be deducted from the sum to be paid such owner (if any) or be assessed upon his, her or their property by said board of council, and shall become and be a lien thereon, and be collected therefrom in the same manner as the assessment for any improvement authorized by this act; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall in their report apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for life or years, and such tenant shall pay such assessment or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives shall, at the termination of their estates, be repaid such principal sum by the reversioners, 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 the said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have priority over all other incumbrances; *provided*, that the legally established grade of any street, road or avenue or lane shall not be changed by said board without the consent in writing of the owners of two-thirds in value of the land and appurtenances on the line of such street, road, avenue or lane, or on the part thereof proposed to be changed, and in case the board of council shall change the grade of any such street, road, avenue or lane, any person aggrieved thereby may apply to said board for compensation

Report of said commissioners to be made to council.

Grade of street not to be changed without consent of owners of land.

for the damages thereby sustained, and the board shall have power to award such damages; *provided also*, that in all cases in which the board shall decide and ordain to execute any improvement of the sidewalks or guttering or curbing along any of said streets, roads, avenues or lanes, as herein provided, it shall be lawful for the owners of any lands along such street, road, avenue or lane, to make such improvement at his own expense, under the supervision of the superintendent of streets, in accordance with the directions of the board of council, and within such time as the board shall appoint, in which case no assessment for such improvement shall be made upon such lands, and all improvement of streets, sidewalks, and work upon the same hereby authorized, shall be under the supervision of the superintendent of streets, and as required by the board of council.

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Costs and expenses.

20. *And be it enacted*, That all expenses and costs of proceedings for improvements in laying out, opening, altering, widening, filling up, grading, altering the grade of, re-filling, guttering, curbing, bridging, planking and paving streets, roads, avenues and lanes, and repaving the same, for flagging or planking sidewalks, and for repairing, filling and re-filling sidewalks, and for repairing and re-laying the flagging or planking in or on the sidewalks, and for repairing and re-setting curb and gutter and bridge stone and bridging, and for building open drains and sewers, when the same shall be completed, shall be assessed by three commissioners appointed as aforesaid upon the lands, and be paid by the owners of the lands and real estate benefitted by the improvement so made, in proportion to the benefit received by said lands and real estate, as estimated by the said commissioners, except the main sewers and main open drains, which shall be assessed upon the whole village of Passaic; and the said commissioners shall determine and report in writing to the board of council what proportion of such costs and expenses shall be assessed to and upon each separate lot or parcel of land, and shall accompany such report with a map containing each lot so assessed, with the number thereof, and the name of the owner or owners of the same, as far as practicable, which report and map shall be filed in the office of the clerk of the said village, whereupon the said clerk shall cause a printed notice of the filing of said report to be set up in five public or conspicuous places in said village as near as practicable to the line of said improve-

Commissioners to make report with a map.

ment, and that the board of council will meet at a time and place to be specified in such notices, not less than twenty days from the time of setting up said notices, to consider such assessments, and to receive and consider all objections thereto which may be presented in writing, at which time and place the said board shall meet for the purposes aforesaid; and if the said board shall confirm said assessments, it shall constitute a lien upon the property assessed for the amount of such assessments respectively, and shall be collected under and by virtue of an ordinance or ordinances made by said board of council for that purpose, and if the persons so assessed shall, upon written notices of the confirmation of the assessment, and the passage of the ordinance to collect the same, to be served within ten days thereafter upon said persons if they reside in said village, either personally or by leaving the same at their usual places of abode, neglect to pay to the village collector the amount of their respective assessments within sixty days from the passage of said ordinance the said board of council may enforce the lien so created, in the manner prescribed in the seventeenth section of this act, and whenever within said village any assessment on any lot or parcel of land shall remain unpaid for ninety days after the confirmation thereof by the board of council, it shall be lawful for said board to charge, receive and collect, in addition to the amount of said assessment, a penalty of two per centum and interest thereon to be computed at the rate of fifteen per centum per annum from the time of the confirmation of said assessment until the same be paid, and to enforce the payment thereof in the manner provided by section seventeen.

Assessments to be a lien.

Penalty for not paying assessments.

21. *And be it enacted*, That upon completing the report of the commissioners, assessing the value of lands or buildings taken and the damages thereby, the village treasurer shall tender and pay to the owner of said lands, if a resident of said village, the amount of such assessment awarded to him, but if such owner is not a resident in the village, or if upon due inquiry cannot be found therein, or is a lunatic, or idiot, or an infant, or if for any lawful cause he or she is incapacitated to receive the same, or if such owner or owners will not receive and accept the same, and sign a receipt therefor when tendered, then the village treasurer shall make affidavit of such facts, and file the same with the village clerk, and the board of council shall, after inquiring

Tender of the owners of lands, the amount of estimate due to him, and provisions in case owner cannot be found.

into the facts of the case, direct the amount of such assessment or award to be placed in the village treasury or in some safe bank for the use of the person or persons to whom the same may be due, and upon filing such receipt of the owner or the passing of such resolution by the board of council, the said lands shall be vested in the village, and the village officers may proceed with such improvements; and the said moneys so deposited shall be paid by the village to the person entitled thereto on demand, without interest, except from such time as a demand may be made and payment refused.

Assessments may be reviewed and set aside on certiorari.

22. *And be it enacted*, That any assessment or estimate of value or 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 case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew as to the part set aside, and for the purpose of such examination the supreme court may require by rule the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose, and the village in case of reversal shall pay the costs on such certiorari and add the same to the expenses of the improvement.

Maps and surveys to be made of streets and sewers.

23. *And be it enacted*, That the board of council of the village of Passaic is hereby authorized, and it shall be their duty as soon as practicable, to cause such surveys, maps and return to be made as may be necessary to enable them to prescribe and adopt either for the whole or any part of said village the location of streets and sewers, or either, and the width and grade thereof hereafter to be opened or constructed therein, and when such location, width or grade shall be adopted, the surveys, maps and returns, prescribing and defining the same shall be recorded in the clerk's office of the village of Passaic, and thereafter no street or sewer shall, within the district comprised in any such survey, map and return, be opened or constructed except in conformity therewith, as to location, width and grade, and fully to accomplish the purpose contemplated by this section, the said board of council may employ such engineers, surveyors,

and other persons, and provide for their compensation, and pass such ordinance as they may deem to be proper, and may enter upon any land for making surveys and examinations.

Repairs of streets and crosswalks to be made by contract or otherwise.

24. *And be it enacted*, That all repairs in the carriage-way or cross-walks of any street, road, avenue or lane in said village, and not applied for as hereinbefore provided, shall be made by contract or otherwise, as directed by the board, and under the charge and supervision of the superintendent of streets, and the costs and expenses of such repairs, being certified by the superintendent, shall be paid by the board, upon their approval, out of the tax annually collected and paid to the treasurer of said board; that all repairs to side-walks, and curb and gutter, shall be made by the owners of the lands in front of which said repairs are necessary, upon written notice by the superintendent of streets, and if the said owner or owners shall be non-residents, it shall be sufficient if such notice be posted upon or near the lot or lots in front of which the sidewalks, curb or gutter may require to be repaired or relaid; and if the same shall not be repaired or relaid within fifteen days from the service or posting of said notice, then it shall be lawful for said superintendent, and he is hereby authorized and empowered to cause the same to be made, and the costs and expenses thereof shall be assessed by said board upon the lands in front of which said repairs shall be made, and shall remain a lien thereon, and be collected as prescribed by this act for the collection of assessments for improvements.

Grade of streets to be established by council.

25. *And be it enacted*, That the board of council is hereby authorized and empowered, by ordinance passed for the purpose, to prescribe the mode of establishing the grade of any street, road, avenue or lane in said village, not already established, and to establish the grade thereof, and to authenticate the same by maps or otherwise, and to mark said grade by permanent grade monuments; and the grade of any street, road, avenue or lane, when established in accordance, with said ordinance, or which may have been heretofore legally established, shall be and remain the permanent grade thereof, and shall not be changed or altered, without the consent in writing of the owners of two-thirds in value of the land and appurtenances fronting on the line of such street, road, avenue or lane, said value to be determined by the last taxable valuation, nor without paying to the owners of any buildings or lands damaged by the alteration of said

grade, the amount of damages sustained, which shall be ascertained and estimated by three commissioners, to be appointed as provided by section nineteen, as in cases of grading streets, and that the costs and expenses for establishing, authenticating and making such grade shall be assessed upon the land fronting on the street, road, avenue or lane, on which, or part of which such grade shall be established, authenticated and marked, and be paid by the owners thereof, and shall be and remain a lien upon such land, and the payment thereof enforced in the same manner and to the same extent as other assessments for improvements are enforced and collected by virtue of this act.

Costs and expenses of grade.

Improvements, how to be made.

26. *And be it enacted*, That the said board of council shall be and are hereby empowered to cause any or all of the improvements authorized by this act to be made in any of the streets or roads, whether used as a turnpike, plank road or otherwise, but not so as to interfere with the rights of any incorporated company, and in and upon all streets, avenues or lanes that have been or shall hereafter be dedicated to the public use within said village, whether they have been actually opened to public travel or not, except as hereinbefore excepted; and any such improvement may be made in a part of such street, road, avenue or lane; and said board of council shall have power to regulate the position, location and construction of all horse railroads to be laid in any street, road or avenue in said village; *provided*, that it shall be unlawful for any officer of said village to be interested, directly or indirectly, in any contract made by said board of council, under a penalty of five hundred dollars, which may be recovered in an action of debt, in the name of the village of Passaic; one-half the amount recovered in such action shall be paid to the treasurer of said village for village purposes, and the remaining one-half shall belong to the person so prosecuting such action.

Proviso.

Council may purchase real estate.

27. *And be it enacted*, That it shall be lawful for the board of council, in the corporate name of said village, to take, purchase or lease such real and personal property as the said board shall deem necessary and proper for the actual uses and necessities of the said village and the same, or any part thereof, to lease, mortgage, sell or otherwise dispose of for the use and benefit of said village, and as the said board may deem proper.

28. *And be it enacted*, That the said board of council shall

have power, from time to time, to borrow such amounts of money, in anticipation of the collection of taxes and assessments, as the said board shall deem proper for the necessary expenses of said corporation; to make and deliver the bonds, notes or obligations of the board, not to exceed twenty-five thousand dollars, for the re-payment thereof, and the said corporation shall be liable for the same. Bonds may be issued.

29. *And be it enacted*, That the debts, liabilities and assets of the township of Aquackanonk, existing at the time of the approval of this act, shall be settled, adjusted and divided by and between the said the village of Passaic, and the inhabitants of the township of Aquackanonk, in the county of Passaic, by a committee of five, to be appointed by the board of council of said village and the township committee of the said township of Aquackanonk, on the third Tuesday of April next, at the hotel of John V. Ryerson, in the village of Passaic, at ten o'clock in the forenoon, upon the basis of the valuation of real and personal estate within the limits of the said respective corporations, made for the year last past for purposes of taxation, and each of said corporations shall pay its proportion of the debts and liabilities as adjusted by said committee, which shall be assessed on the inhabitants of said township and village respectively in accordance with the laws applicable thereto. Debts, liabilities and assets, how divided.

30. *And be it enacted*, That the inhabitants of the township of Aquackanonk shall hold their next township election at Van Winkle's hotel, at Centreville, and afterwards, in each year, at such place as the inhabitants of said township shall, at their preceding annual township meeting determine, and at the time fixed by law for the annual township elections in the said township of Aquackanonk; and at the said first township election, Richard Kingsland, Peter Mercelis and Daniel H. Schonmaker shall act as judges, and John J. McCleese shall act as clerk of said election. Next town election of Aquackanonk, when and where held.

31. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, so far as they are inconsistent therewith, be and the same are hereby repealed. Repealer.

32. *And be it enacted*, That the Legislature may at any time alter, amend or repeal this act, and that this act shall take effect immediately. Legislature may alter or repeal.

Approved March 21, 1871.

CHAPTER CCLX.

An Act for the better enforcement in Maurice River Cove and Delaware Bay, of the act entitled "An act for the preservation of Clams and Oysters," approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto.

Preamble.

WHEREAS, the flats and grounds in Delaware bay and Maurice river cove, covered with water, adjoining the counties of Cumberland and Cape May, are occupied by citizens of this State for the purpose of catching, planting and growing oysters; AND WHEREAS, great losses are annually sustained by the depredations of persons who steal and carry away the oysters planted and growing in said cove; AND WHEREAS, the means of enforcing the present laws of the State for the protection of the said oyster grounds are inadequate; therefore,

Assessments on vessels engaged in catching, planting and growing oysters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall hereafter be assessed on every boat or vessel lawfully engaged in catching, planting and growing oysters on the flats and grounds of Delaware bay and Maurice river cove, adjoining the counties of Cumberland and Cape May, to be paid by the master or captain of the same, the following sums annually, viz: for every boat or vessel not exceeding ten tons, the sum of ten dollars; exceeding ten tons and not exceeding fifteen, the sum of fifteen dollars; exceeding fifteen and not exceeding twenty tons, the sum of twenty dollars; exceeding twenty and not exceeding twenty-five tons, the sum of twenty-five dollars; exceeding twenty-five and not exceeding thirty tons, the sum of thirty dollars; exceeding thirty tons and not exceeding forty, the sum of forty dollars; exceeding forty tons and not exceeding fifty, the sum of fifty dollars; exceeding fifty tons and not exceeding sixty, the sum of sixty dollars; which said sums shall be assessed and paid to the collector of the oyster fund as here-

inafter provided in this act, between the first day of March and the first day of May of each and every year.

Special officer, how appointed, duties and salary.

2. *And be it enacted*, That Gilbert Compton be appointed a special officer, whose duty it shall be, until the first Tuesday of March, eighteen hundred and seventy-two, and until his successor is chosen as hereinafter provided, to attend to the enforcement in the said Delaware bay and Maurice river cove, of the provisions of the law of this State entitled "An act for the preservation of clams and oysters," approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto, and who shall receive for his services the annual salary of five hundred dollars, to be paid as hereinafter mentioned out of the fund provided by the first section of this act.

Special officer to have power to arrest all persons violating this act.

3. *And be it enacted*, That for the better carrying out of the provisions of this act, that the said special officer shall have and occupy an office at or near the village of Port Norris, in said county, where complaints of the violation of the oyster laws of New Jersey may be made, and it shall be the duty of the said special officer, at all times, upon his own view, or upon the information of any other person or persons, to proceed at once to arrest any person or persons so complained of, and he may employ for his aid in the prosecution of this duty, any number of men, and any steamboat, steam tug or sail vessel, as may seem most expedient to him, the expenses of which shall be paid out of the fund provided by the first section of this act, and an account of such expenses shall be kept by the said special officer, and furnished under oath to the collector of the oyster fund.

Penalty for refusing to assist the officer in performance of his duties.

4. *And be it enacted*, That it shall be the duty of all citizens, when called upon by the said special officer, to aid in the capture and arrest of all persons charged with the violation of the oyster laws of New Jersey, in the said Delaware bay and Maurice river cove, and it shall be the duty of the captain or commander of any steamboat, steam tug, or sail vessel, when called upon for that purpose, to assist with his vessel and crew in making such captures and arrests, and any person duly notified, who shall himself refuse to aid, or any captain or commander who shall refuse to allow his vessel or boat to be used in the arrest and capture of any persons violating the laws, as aforesaid, shall forfeit and pay a fine of fifty dollars, with costs of suit, to be sued for and recovered in any court having jurisdiction

thereof; and any person or persons guilty of obstructing or hindering the said special officer in the performance of his duty, under this act, shall be subject to all the penalties imposed by law for hindering and obstructing other officers of this State in the performance of their duties.

Collector appointed and his duties.

5. *And be it enacted*, That for the better carrying out of the provisions of this act, that Daniel T. Howell be appointed collector of the oyster fund of Maurice river cove, who shall hold his office until the first Tuesday of March, one thousand eight hundred and seventy-two, and until his successor is elected, whose duty it shall be to assess and collect all the moneys due from the several boats and their captains or commanders, as set forth in the first section of this act; to issue a license duly certified by himself, to each and every captain or commander of a boat or vessel lawfully engaged in the business of catching, planting and growing oysters in the said Delaware bay and Maurice river cove, that shall pay the taxes required by the first section of this act; to refuse licenses to all who do not comply with the provisions of this act, or are not entitled by the laws of this State to catch, plant and grow oysters in the said Delaware bay and Maurice river cove, and to pay the salary of the said special officer and all expenses incurred by him in the performance of his duties; and the said collector shall receive for such services the sum of five per centum of all moneys by him received and collected.

License to be issued to all captains of vessels.

Collector to give bonds and to record all licenses.

6. *And be it enacted*, That the said collector shall keep a true and faithful record of all his transactions during the year, shall record all licenses granted by him as required by the fifth section of this act, in a book provided for that purpose, and shall receive, in addition to the compensation allowed him for his services as collector, twenty-five cents for each license recorded by him; shall keep a true record of all moneys received and expended by him, and make a true and faithful report of the condition of the finances at each annual meeting hereinafter provided for, and shall be required before entering upon the duties of his office, to give bonds to the collector of the county of Cumberland, with at least two responsible freehold securities, in the sum of two thousand dollars, for the faithful performance of the duties imposed on him by this act.

Captains of vessels shall take oath

7. *And be it enacted*, That each and every captain or commander of any boat or vessel engaged in the business of

catching, planting and growing oysters in the said Delaware bay and Maurice river cove, shall upon taking out the license directed by the fifth section of this act, take an oath or affirmation before the said collector, that he will at all times diligently aid and assist in the enforcement of the laws of New Jersey for the preservation of clams and oysters, and will faithfully and promptly report to the special officer provided for in this act, any knowledge that he may in anywise obtain of the violation of the said laws in Delaware bay and Maurice river cove; and any captain or commander who shall neglect or refuse to take out the said license, and to make the said oath or affirmation, and to pay the assessments prescribed by this act, shall forfeit his right to catch, plant and grow oysters in the said Delaware bay and Maurice river cove, and if found planting or taking oysters in said bay or cove without the license required by this act, he shall be considered a trespasser, and subject to all the fines and penalties imposed by the act entitled "An act for the Preservation of Clams and Oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto.

Penalty for not taking license and making oath.

8. *And be it enacted*, That the proceeds of all sales of boats and property seized in the said Maurice river cove or Delaware bay by the said special officer, and sold according to the provisions of the act entitled "An act for the Preservation of Clams and Oysters," and of the supplements thereto, shall be paid to the said collector and added to the common fund provided for in the first section of this act.

Proceeds of sale to be made to the collector.

9. *And be it enacted*, That all persons lawfully holding, using or occupying a lot of ground for growing oysters, and in any way engaged directly in the business of planting and growing oysters in said cove, are hereby authorized to meet on the first Tuesday of March, in each and every year, at the village of Dividing Creek, in Cumberland county, and there organize by the election of a chairman to preside at said meeting, and also a secretary, who shall keep a true record of the proceedings of said meetings, and when the meeting shall be so organized they may proceed to elect, by ballot, a special officer and a collector, to serve for one year, in place of those named in this act, and who shall have the same powers and perform the duties required of them by the previous sections of this act; and the said meeting shall also have power to change the amount of compensation for

Persons growing oysters to meet and organize.

the services of the said special officer and collector, and the first meeting for the election of the officers named above, shall be held on the first Tuesday of March, one thousand eight hundred and seventy-two, and on the same day of the month in each succeeding year.

Collector to pay over money.

10. *And be it enacted*, That whenever, at the end of any fiscal year, the sum arising from the oyster fund, after all the necessary expenses are paid, shall exceed the sum of one thousand dollars, it shall be the duty of the collector of the said fund, to pay the same to the collector of the county of Cumberland, to be applied to the support of the public schools of the said county.

Vessels and boats licensed to be numbered.

11. *And be it enacted*, That every boat or vessel engaged in the business of catching, planting and growing oysters in the said Delaware bay and Maurice river cove, to which a license shall be given as in this act directed, shall wear in the middle of the mainsail, one-third of the way from the head thereof, a number painted in black, eighteen inches long, and to be designated in the license.

Natural oyster beds not to be occupied except for the growth of oysters.

12. *And be it enacted*, That the natural oyster beds known as the East Point beds in said Maurice river cove, and all the dry beds, or beds that fall bare in said bay or cove at low water, shall not be occupied or planted on, or be used for any purpose but for the natural growth of oysters, and all citizens of this State shall have free access to them.

Repealer.

13. *And be it enacted*, That all acts or parts of acts in conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 21, 1871.

CHAPTER CCLXI.

An Act for Relief of Sarah Smith Stafford.

Treasurer to pay money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer of New Jersey is hereby directed to pay to Sarah Smith Stafford, the sum of six hundred dollars, the amount of her loss sus-

tained by the payment in paper money of six one thousand dollar bonds of the State of New Jersey, for which she gave six thousand dollars in gold.

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

Approved March 21, 1871.

CHAPTER CCLXII.

An Act to incorporate the Bloomfield Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Zophar B. Dodd, Warren S. Baldwin, James Wilde, Israel C. Ward, Amzi Dodd, Joseph K. Oakes, William R. Peters, Thomas C. Dodd, Augustus T. Morris, Chabrier Peloubet, Jason Crane, Edward S. Wilde, Robert M. Hening, William H. White, M. D., Anthony G. McComb, Christopher T. Unangst, Wright F. Congar, George Batzle, Thomas W. Langstroth, Joseph A. Davis, M. D., John Hibbert, Henry Lindenmeyer, Peter Henn, John Rusby, Jonathan Provost, Thomas Oakes, Jonathan W. Potter, Jacob F. Randolph and Edmund H. Davey and their successors shall be, and are hereby constituted a body corporate and politic by the name of "The Bloomfield 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. Corporators. Corporate name and powers. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by twenty-nine managers, twenty of whom, at least, shall be residents of the township of Bloomfield, seven Election of managers.

of the managers shall be a quorum to transact business, and the seat of any manager who shall have neglected to attend for six 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 Tuesday in May, and chose 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, and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office in such sum or sums and with such sureties as may be directed by the board of managers.

General powers.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain, and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of 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 or of the United States; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be transacted, but shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

Proviso.

May receive and invest deposits.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered for the purpose of being invested in such amounts, and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations as the board of managers shall, from time to time prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

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

managers to regulate the rate of interest to be allowed to the depositors so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having more than five hundred dollars deposited may be, at least, one per centum less than the interest allowed to other depositors, and that no interest or dividend on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit. Regulation of interest. Proviso.

6. *And be it enacted*, That no emolument whatever shall, directly or indirectly, be received by any manager for his services as such, but all compensation to be allowed to the president or any officer, clerk or servant of the said institution shall be fixed and determined by the board of managers at their discretion, nor shall the said institution 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 bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any manager, officer or agent of the institution, and no manager or officer shall have any interest in any of the deposits, or the profits arising from the same, except such as may be due for deposits made by them as trustees for the benefit of others. No compensation to managers.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks or bonds, other than such as are created or issued by the United States, or by the several States, or by the several counties, towns, townships and cities in the different States under the laws thereof, nor on bonds and mortgages except on unincumbered real estate worth at least double the amount of the sum invested, but the said institution may make temporary loans upon personal securities to an amount not exceeding, at any time, twenty per centum of the assets and securities of the said corporation, with pledges of collateral securities at least equal to the amount loaned, and they may also invest in the corporate bonds of the trustees of any school district in this Investment of deposits.

State, or make loans to be secured by the bond and mortgage of such incorporated trustees.

Certificates of deposit.

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

Managers to allow interest.

9. *And be it enacted*, That whenever any person indebted to said institution shall deposit moneys therein, for the purpose of raising a fund for the payment of such indebtedness, the managers shall have the power in their discretion to allow interest on such deposits from the time the same are made.

Minors may give acquittance for deposits.

10. *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 of money 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 be 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.

Deposits by females not to be controlled by husband.

Depositors may appoint person to receive moneys.

11. *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.

Not required to receive deposits less than one dollar.

12. *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.

All deposits to be entered.

13. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution,

and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Vacancy, how filled.

14. *And be it enacted*, That the managers shall have power to fill up by ballot, after notice of one month, any vacancy which may occur in their own body, or its officers, by a vote of a majority of the managers present.

Annual statement.

15. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the Legislature of this State under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, of three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in the county of Essex.

May receive for safe keeping specie, &c.

16. *And be it enacted*, That the said institution may receive for safe keeping, upon such terms and conditions, and for such consideration, as they may from time to time determine, specie, or bullion, gold or silver plate, treasury notes, bonds, mortgages and coupons, paper money, bills receivable, title deeds, and all personal securities and property of every kind whatever.

Books shall be open to inspection.

17. *And be it enacted*, That the office or place of business of the said institution shall be in the township of Bloomfield, in the county of Essex, and the books of the institution shall be open at all times to the inspection and examination of such person or persons, as the Legislature may from time to time appoint for that purpose.

Act, how construed.

18. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution, in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described, so as to ascertain the intention of the parties; *and, provided also*, that the Legislature may, at any time hereafter, amend or modify this act.

Proviso.

Proviso.

Limitation.

19. *And be it enacted*, That this act shall continue in force twenty years, and shall take effect immediately.

Approved March 21, 1871.

CHAPTER CCLXIII.

A Supplement to the act entitled "An Act to incorporate the Citizens' Gas Light Company, of the city of Newark," approved March eighteenth, one thousand eight hundred and sixty-eight.

Preamble.

WHEREAS, by an act of the Legislature of this State incorporating the Orange Gas Light Company, the said company is authorized to make and sell gas for the purpose of lighting the streets, buildings and other places in Orange, East Orange, and other places in the county of Essex; and it is to the interest of said company, and the inhabitants of said territory, that the said company should receive, from the Citizens' Gas Light Company, of Newark, gas manufactured by them for the purpose aforesaid, and that the interests of said companies should be consolidated so far as the parties interested therein shall mutually agree; now, therefore, to enable the said parties to perfect and complete such arrangements,

Power to enter into contract and consolidate capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Citizens' Gas Light Company, of Newark, is hereby invested with full power to manufacture, sell and deliver to the Orange Gas Light Company, the gas needed by said last mentioned company; and the said companies are hereby authorized and empowered to enter into contract with each other for said purpose, and the same to change, from time to time, as may be by them mutually agreed upon, and to extend their respective pipes and mains for the purpose of connecting them; and they are further hereby empowered to consolidate their respective capital stocks and interests in such manner as may be mutually agreed upon; and the Citizens' Gas Light Company, of Newark, is hereby authorized and empowered to purchase from the several stockholders of the Orange Gas Light Company, their respective shares of stock in said company, and to issue to them, respectively, in exchange therefor, on such terms as they may mutually agree upon, shares of stock

in the Citizens' Gas Light Company, of Newark; and the said last named company is hereby authorized to increase its capital stock by issuing so many additional shares therein as may be necessary for the purpose aforesaid.

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

Approved March 21, 1871.

CHAPTER CCLXIV.

An Act to incorporate the Sussex County Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Haines, Richard E. Edsall, John H. Brown, Thomas Lawrence, David R. Lynn, John Rutherford, Asa Munson, Thomas T. Simonson, and William E. Skinner, and their successors, shall be and are hereby constituted a body corporate and politic by the name of "The Sussex County 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.

Corporators.

Corporate name and powers.

Proviso.

2. *And be it enacted*, That the said institution shall be conducted by nine managers, a majority of whom shall be residents of the county of Sussex; 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

Election of managers.

annually, on the second Tuesday in May, 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; and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums and with such sureties as may be directed by the board of managers.

May adopt by-laws.

3. *And be it enacted*, That the board of managers shall, from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers; for prescribing their respective duties; for regulating the times and places of 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, or of the United States; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be transacted, but shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

Proviso.

May receive and invest deposits.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times. and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations as the board of managers shall, from time to time, prescribe; and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

Regulation of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may,

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at the discretion of the managers, be so regulated as that the interest allowed to depositors having one thousand 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 that no interest or dividend on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit.

Shall not issue bills or notes, and no compensation to managers.

6. *And be it enacted*, That the said institution shall not issue any notes or bills, nor shall any manager, officer or agent of the said instituton 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 bonds, mortgages or other securities for the payment of money, drawn or endorsed by or existing against any manager, officer or agent of the institution, and no manager or officer shall have any interest in any of the deposits, or the profits arising from the same, except such as may be due for deposits made by them, as trustees for the benefit of others.

Investment of deposits.

7. *And be it enacted*, That said corporation shall have power to invest money in loans secured by mortgages on real estate, worth at least double the amount of the loan, also in stocks or bonds issued by the United States, and by the different States, also in such bonds as may be issued by the several counties, cities and townships of this State, and may also loan upon personal security, with pledges of collateral securities of at least equal value to the sum loaned; *provided*, the total amount loaned upon personal security shall not exceed the sum of fifteen thousand dollars.

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Certificates of deposit.

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

Minors may give acquittance for deposits.

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

Proviso.

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 a single woman be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Depositors may appoint person to receive moneys.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money 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.

Shall not be required to receive on deposit less than one dollar.

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 part of a month.

Deposits to be entered.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Managers may allow interest.

13. *And be it enacted*, That whenever any person indebted to said institution shall deposit moneys therein for the purpose of raising a fund for the payment of such indebtedness, the managers shall have the power, in their discretion, to allow interest on such deposits from the time the same are made.

Vacancy, how filled.

14. *And be it enacted*, That the managers shall have power to fill up after notice of one month, any vacancy which may occur in their own body, or its officers, by a vote of a majority of the managers present.

Annual statement.

15. *And be it enacted*, That it shall be the duty of the said institution to make an annual report to the Legislature of this State, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers of three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in the city of Newark.

16. *And be it enacted*, That the office or place of business of the said institution shall be in the township of Hardiston,

in the county of Sussex, 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. Books to be open for inspection.

17. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said institution, in any deed, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and provided also*, that the legislature may, at any time hereafter, amend or modify this act. Act to be favorably construed. Proviso. Proviso.

18. *And be it enacted*, That this act shall continue in force twenty years, unless sooner repealed, and shall take effect immediately. Limitation.

Approved March 21, 1871.

CHAPTER CCLXV.

An Act to incorporate the Somers Point Fish Oil and Guano Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Saunders, John Townsend, Israel S. Adams, John C. Fifield and their associates be, and are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Somers Point Fish Oil and Guano Company," for the purpose of catching and buying fish, manufacturing, selling and dealing in fish oil, guano and other manures, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, a capital stock of ten thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same from time to time with the consent of a majority of the stockholders, to any amount not exceeding one hundred thousand dollars; Corporators. Corporate name. Capital stock.

and it shall be lawful for the said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

May hold real estate.

2. *And be it enacted*, That the said company may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purpose of said corporation and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and may change or alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the laws of the United States or of this State.

Proviso.

Election and power of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three or more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and the first directors shall be chosen at a meeting to be called by three of said stockholders, upon five days' notice to each stockholder, and shall hold their office for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; a majority of the directors shall, on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, or resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Not dissolved by failure to elect directors.

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

5 *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written state-

ment of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained. Annual statement to be made to stockholders.

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

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

8. *And be it enacted*, That the manufactory of this company shall be located in Atlantic county, and their fishing confined to the waters adjacent thereto. Location.

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

Approved March 21, 1871.

CHAPTER CCLXVI.

An act to incorporate the Mineral Bank of Dover.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Hudson Hoagland, Henry D. Van Nostrand, James H. Simpson, Corporators.

Columbus Beach, Henry McFarlan, Charles McFarlan, E. N. K. Talcott, and their associates, be and they are hereby created a body politic and corporate, by the name of "The Mineral Bank of Dover," and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes and gold or silver bullion, and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be purchased upon judgment or execution for the purpose of securing or obtaining payment of any debt or debts due to said corporation.

Corporate name and powers.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with liberty to increase it to two hundred and fifty thousand dollars, and shall be divided in shares of one hundred dollars each; that George Richards, Hudson Hoagland, Henry D. Van Nostrand, James H. Simpson, Columbus Beach, Henry McFarlan, Charles McFarlan, and E. N. K. Talcott, or a majority of them, shall be and they are hereby appointed commissioners to open, at the town of Dover, a book of subscriptions for and to receive subscriptions to said capital stock, giving at least ten days' notice in a newspaper printed in the county of Morris, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before twenty-five thousand dollars shall be actually paid in cash.

Commissioners to receive subscriptions.

Directors and officers.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, a majority of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that said directors shall be stockholders and residents of this State, and shall, before entering upon the

duties of said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday in January in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by an advertisement in one or more of the newspapers published in the county of Morris; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days at least next preceding such election; that for the well-ordering of said election, the board of directors shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct said election, and determine the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, having the highest number of votes, as many as may be required to make up the full number of five directors; and the directors so selected shall, at the first meeting thereafter when a quorum shall be present, elect one of their number to be president, as well of their board as of the said corporation; and whenever a vacancy shall occur in said board of directors, by death or otherwise, such vacancy may be filled for the remainder of the year, by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not, for that reason, be deemed to be dissolved, but an election for directors shall in such case be held as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Failure to elect not to dissolve.

4. *And be it enacted*, That as soon as conveniently may be after the sum of twenty-five thousand dollars of said capital stock is subscribed, and actually paid in cash, the

Election of directors, &c.

said commissioners, or a majority of them, shall call a meeting of the said subscribers to said capital stock in the town of Dover, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting, by advertisement in a newspaper published in the county of Morris; and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy being entitled to one vote for each share of stock respectively subscribed for by them; and said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys shall be full and absolute acquittance and discharge therefor, and said board of directors shall hold their offices until the second Tuesday in January, in the year one thousand eight hundred and seventy-two, and until their successors are chosen and qualified.

Failure to pay instalments to work a forfeiture.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this State are liable to, and the real estate of said corporation may be taxed as other lands in this State are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payments of said instalments shall be given by advertising

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in at least two papers published in the county of Morris, and that no instalment of more than twenty-five dollars on each share shall be called in at one time, nor shall said instalments be required to be paid within less than twenty days of each other.

Cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable however to be removed and another appointed in his place at the pleasure of the said board of directors; and on such appointment or re-appointment the said cashier shall before entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond with good and sufficient security to be approved by the board of directors, in the penal sum of at least thirty thousand dollars, conditioned for the faithful performance of his duties as a cashier of said bank.

All bills and notes issued binding on the corporation.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, and his, her and their assignee or assignees, and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be demandable and payable at the banking house of said corporation.

Semi-annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

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9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this State for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange and the purchase and sale thereof.

No transfer of stock made by persons indebted to corporation.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts due to the said bank or who is the drawer or endorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Refusal to redeem is to debar banking operations.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it and which may then be due and payable, the said corporation shall thereupon under the pain of forfeiting its charter wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplements thereto, approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act.

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Assets first liable for bills in case of failure.

12. *And be it enacted*, That if the said corporation hereafter become insolvent the whole assets of said corporation at the time of its becoming insolvent shall be first applied to the payment thereof, and in case of a distribution of the assets among the creditors of said corporation, under the order or decree of the court of chancery the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors, except bona fide judgments or mortgage creditors.

All the directors liable for circulation.

13. *And be it enacted*, That a majority of the directors of said corporation shall be residents of this State, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes as if the same were their joint and several bills or notes, executed by them in their individual capacity, and it shall not be lawful for any director of said corporation to resign his office to avoid such

liability: and if any director shall so attempt to resign his office, he shall be and continue liable, the same as if no such resignation had been attempted, and such liability of directors shall continue after they have ceased to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other, *provided*, that no property that shall or may be levied or taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Shall not resign office to avoid liability.

Proviso.

14. *And be it enacted*, That if the assets of said corporation and the property of such directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills or notes; and the stockholders of the said corporation at the time of its becoming insolvent, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills or notes after the assets of said corporation shall have been distributed as aforesaid; *provided*, that no stockholder shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills or notes, then the said stockholders shall be liable in the ratio of the stock so held by them, and it shall not be lawful for any such stockholders to assign or otherwise transfer his stock or other property to avoid such liability.

Distribution of assets.

Stockholders liable to amount sufficient to redeem circulation

Proviso.

15. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation by any receiver or receivers thereof, the said receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and

Actions at law.

Proviso.

cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Amount of bills issued.

16. *And be it enacted*, That the bills or notes issued by said corporation shall not any time exceed double the amount of its capital stock paid in, and if the president or cashier shall knowingly and wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by imprisonment not less than one year, nor more than five years, in the discretion of the court.

Statements to be made.

17. *And be it enacted*, That it shall be the duty of said corporation on the first Monday in the months of January, April, July, and October in every year, to make the statements required to be made by the other banks of this State by the act entitled "An Act to punish frauds committed on the incorporated banks of this State, and for the better regulation of said banks, approved April sixteenth, one thousand eight hundred and forty-six.

Majority of stockholders to be residents of this State. Limitation.

18. *And be it enacted*, That a majority in interest of the stockholders shall be residents of this State.

19. *And be it enacted*, That this act shall continue in force for twenty years, but it shall be lawful for the Legislature at any time hereafter to alter, modify or repeal the same, whenever in their opinion the public good shall require it, and that this act shall go into effect immediately.

Approved March 21, 1871.

CHAPTER CCLXVII.

An Act to incorporate the Association of the Friendly Sons of St. Patrick.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Dougherty, Christopher Nugent, Gustavus J. Thebaud, John C. Durning, William Carrolton, Patrick Brady, James G. Irwin and such other persons as now are or hereafter may be associated with them and their successors, shall be and are hereby con-

stituted a body corporate, by the name of "The Association of the Friendly Sons of St. Patrick," for the purpose of social intercourse, and affording protection and support to the individual members of said association; the meeting rooms of said association to be located in the city of Newark. Corporate name and object.

2. *And be it enacted*, That the said corporation is hereby authorized to receive, by donation, purchase or otherwise, and to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation, and the same or any part theref to sell, mortgage, lease or otherwise dispose of at pleasure. May hold real estate.

3. *And be it enacted*, That the said corporation shall have the power to make and adopt by-laws and regulations for the admission, suspension and expulsion of its members, the election of its officers, and to define their duties, and for the general management of its affairs; and from time to time may alter or repeal the same, to adopt a corporate seal, and to change the same at pleasure; and in its corporate name may be sued and may institute suits, both in law and in equity, for the recovery of all fines, debts, fees, dues and arrearages due the said corporation, and for all other causes of action. May make by-laws.

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

Approved March 21, 1871.

CHAPTER CCLXVIII.

A Supplement to an act entitled "An act for the Improvement of the town of Freehold, in the county of Monmouth," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of commissioners of the town of Freehold, in addition to the officers specified in section six of said act, shall appoint a collector of taxes and assessments, who shall hold his office for one year from Collector of taxes, how appointed.

the first Monday of May, in each year, and shall give security, to be approved by said board, in such sum as the said board may require, for the faithful discharge of the duties of his office, and receive such compensation as may be allowed by said commissioners.

Duties of collector.

2. *And be it enacted*, That it shall be the duty of said collector to make the written demand mentioned in section eleven of said act, and the amounts assessed by said commissioners for any of the purposes specified in said act shall be paid to said collector within sixty days after such written demand shall be made by him, and in case of neglect or refusal to pay the same, said collector shall make out a list of delinquents and place the same in the hands of one of the police justices of the said town of Freehold, who shall issue a precept in the nature of a tax warrant, directed to the marshal, or one of the assistant marshals in the town, who shall proceed to collect the amount due from such delinquent in the same manner as township and county taxes now are or hereafter may be authorized by law to be collected: *provided*, that before said warrant shall be issued such police justice shall be satisfied by the oath of said collector that the amount claimed against such delinquent is justly due and unpaid, and that the same has been demanded as hereinbefore required.

Proviso.

Collector to pay money to treasurer.

3. *And be it enacted*, That it shall be the duty of said collector to pay the amounts collected by him as aforesaid to the town treasurer from time to time as they may be collected, within thirty days after such collection.

Commissioners may make ordinances, &c., for removal of obstructions in streets.

4. *And be it enacted*, That the said board of commissioners shall have power to prevent and cause to be removed all obstructions in or upon the streets or roads in said town of Freehold, so that they may be kept open to the width at which they were originally laid out by the surveyors of the highways or by any deed, donation or dedication thereof by the owner or owners thereof, and for such purposes may make all needful rules, regulations or ordinances.

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

Approved March 21, 1871.

CHAPTER CCLXIX.

A Supplement to an act entitled "An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen of the city of Hoboken, and also their widows and orphans," approved March eleventh, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, created by the act to which this act is a supplement, shall consist of two trustees from each engine, hose and hook and ladder company, and the exempt fire companies of the city of Hoboken, together with the chief engineer of the fire department, a majority of whom shall constitute a board for the transaction of business; and the said board of trustees shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem necessary for the purposes of said corporation; *provided*, that a majority of the trustees agree thereto, and the same shall not be inconsistent with this act or the laws of this State.

Trustees shall have power to make by-laws, &c.

Proviso.

2. *And be it enacted*, That two trustees from each of the companies before named shall be elected from among the members thereof at the regular monthly meeting of each company held next after the passage of this act; and it shall be the duty of the presiding officer and secretary of each company to send a certified copy of the result of said elections, signed by themselves as such officers, to the president of the present board of trustees, who shall, within thirty days after receiving said certificates of election, call said newly elected board of trustees together; and they shall, at their first meeting, proceed to divide said trustees into two equal classes, one class to hold office for one year, and one class for two years, and annually thereafter, in the month of April, each company shall elect one trustee for the full term of two years; and in case of the death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term of such trustee by the company in which such vacancy occurred.

Election and time of meeting of trustees.

Amendment.

3. *And be it enacted* That in the first section of the act to which this act is a supplement, the word "ten" shall be stricken out, and in lieu thereof, the words "twenty-five" be inserted.

Election of officers.

4. *And be it enacted*, That at the first meeting of said board, and annually thereafter, the trustees shall elect by ballot, from among their number, a president, vice president, secretary and treasurer, who shall hold their respective offices for one year, or until others are appointed in their places; and in case of any vacancy in any of said offices, the board of trustees shall have power to fill the same for the remainder of the current term.

Repealer.

5. *And be it enacted*, That sections three, four and five of the act to which this act is a supplement be, and the same are hereby repealed.

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

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

Approved March 22, 1871.

CHAPTER CCLXX.

An Act to authorize Harvey M. Lum, Paul Lum, James O. Day and John L. Munn surviving trustees of Chatham Academy, in the township of Chatham, and county of Morris, to sell or convey the same.

May sell real estate, and the proceeds to be paid over to the trustees to be used for educational purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Harvey M. Lum, Paul Lum, James O. Day and John L. Munn surviving trustees of Chatham academy, in the township of Chatham and county of Morris, are hereby authorized and empowered to sell, either at public or private sale, such part or parts of the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for the same, by which

the whole title of said corporation shall pass to the purchaser or purchasers free and clear, and absolutely discharged from all trusts whatsoever, upon which the same now is or has heretofore been held; and to pay over the proceeds of said sale to the trustees of Chathan school district number one, to be used by them for educational purposes only; or the said trustees are authorized and empowered to convey said real estate to the trustees of Chatham school district number one, to be used by them for educational purposes only.

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

Approved March 22, 1871.

CHAPTER CCLXXI.

An Act to incorporate the May's Landing and Egg Harbor City Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Moore, Samuel R. Colwell, Simon Hanthorn, J. E. P. Abbott, S. R. Divinney, Thomas D. Endicott, Abram L. Izard, Charles R. Colwell, Nicholas F. Smith, James Baker, Job Babcock, Daniel Gifford, Lewis Kuhnle, William Moore, junior, Alpheus Doughty, Daniel E. Izard, Richard Somers, John B. Champion, Humphry Scull, H. D. Beach, William Bolte, C. N. Rape, and such other persons as may be hereafter associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "May's Landing and Egg Harbor City Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary and expedient for the objects of this corporation. Corporators. Corporate name.

2. *And be it enacted*, That the capital stock of the said company shall be seventy thousand dollars, with liberty to increase to one hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each, which shall Amount of capital stock.

be deemed personal property, and transferable in such manner as the 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 the said corporation at such time and place as they, or a majority of them, may think proper, giving at least ten days' notice in one of the newspapers published in Atlantic county, and that at the time of subscribing ten per centum shall be paid on each share subscribed, to the commissioners, or some of them, and when twenty thousand dollars are subscribed to the capital stock of the said corporation, the persons holding the same shall be, and they hereby are incorporated into a company, and the commissioners shall give like notice for a meeting of the stockholders to choose not less than seven directors, a majority of whom shall be residents and citizens of this State; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

Election of directors.

Vacancies, how filled.

4. *And be it enacted*, That the directors chosen at such a meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election, and until another shall be appointed; and they shall have power to fill any vacancy which at any time may exist in the board, by death or otherwise, until the next succeeding annual election.

Failure to elect not to dissolve.

5. *And be it enacted*, That the annual election for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed; and in case it shall happen that an election of the board of directors shall not

be made when it ought to be made the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed; five directors shall be a quorum to transact all business of said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such instalments and at such times as they may direct; *provided*, that such payment shall not exceed twenty dollars on each share per month, and in case of the non-payment of the said instalments, or any one of them, they shall have power to forfeit such share or shares upon which said default shall arise, to and for the use of said corporation, and also to make and prescribe such by-laws and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them, and also to the president, as to the said directors shall appear proper. Proviso.

6. *And be it enacted*, That the president and directors of the said corporation, be and the same are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near May's Landing, in the county of Atlantic, to the city of Egg Harbor, in said county, the said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private or other property; and when the route of said road shall have been determined on, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use and occupy any such lands, and to erect embankments, bridges, May survey, lay out and construct railroad.

piers and all other work necessary to lay rails, and do all other things that shall be suitable or necessary for the construction, completion and repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of payment, of all damages for the occupation of land through which 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 or roads, unless the consent of the owner or owners of such lands be first had and obtained; *and further provided*, that nothing in this act shall affect the rights of the State to lands lying under water.

Proviso.

Proviso.

Proceedings when no agreement can be made between company and owners of land.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or 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 of 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 hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said 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.

Proceedings in case of appeal.

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.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of said corporation to construct and keep in repair, good and sufficient bridges or passages, over or under the said railroad, where any public or other road now or hereafter laid, shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over and under said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

ates of fare and transportation.

10. *And be it enacted*, That the president and directors of said corporation shall have the power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property; and they are hereby authorized to demand and receive such sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per

Proviso.

mile for carrying such passenger, but no charge shall be required to be less in the aggregate than ten cents; nor shall the said corporation charge more than six cents per ton per mile for the transportation of property on said road which is usually weighed by the ton; the said railroad, with its appendages, and the lands over which it shall pass, and all the works, improvements and all other property whatsoever, belonging to the corporation are hereby vested in the said corporation and their successors for and during the continuance of their charter.

May make dividends.

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

May purchase and hold real estate.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of said road, or at any other point on the line of said road where the directors may think proper to establish depots, and may erect thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and may receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream, so as not to obstruct the navigation thereof.

Proviso.

May make contracts.

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

Penalty for injury to property.

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

Statement of costs and expenses to be filed.

15. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments, appendages, and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road.

May borrow money to equip road.

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

May lease or consolidate with any other road.

17. *And be it enacted*, That the said railroad is hereby authorized to lease its railroad to (or consolidate with) any other railroad company, which is hereby authorized to take such lease, and operate the same for such term or times, and on such terms as the said parties may agree upon.

Power to endorse bonds.

18. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said May's Landing and Egg Harbor City Railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad.

State tax.

19. *And be it enacted*, That after said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this State, a tax of one-half of one per centum on the cost, equipments, and appendages of said road; to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the Legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein

it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

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

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

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

Approved March 22, 1871.

CHAPTER CCLXXII.

An Act to incorporate the Carteret Boat Club, of Perth Amboy.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William King, William H. Lindsay, Joseph Marsh, Aime B. Marsh and Florian W. Gordon, and such other persons as now are or hereafter may be associated with them and their successors, shall be and are hereby constituted a body corporate, by the name of "The Carteret Boat Club, of Perth Amboy," in the county of Middlesex, for the purpose of engaging in and promoting rowing and other athletic exercises, the principal office of said corporation to be located in Perth Amboy, in said county. Corporators. Corporate name and object.

2. *And be it enacted*, That the said corporation is hereby authorized to receive by donation, purchase or otherwise,

May hold real estate.

and to hold and possess such real and personal estate as it shall deem necessary for the purposes of said corporation, and the same, or any part thereof, to sell, mortgage, lease or otherwise dispose of at pleasure.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of such amounts, and transferable in such manner, and upon such conditions as the said corporation shall prescribe.

May adopt by-laws, &c.

4. *And be it enacted*, That the said corporation shall have power to make and adopt by-laws and regulations for the admission, suspension and expulsion of its members, the election of its officers, and to define their duties, and for the general management of its affairs, and from time to time may alter or repeal the same; to adopt a corporate seal, and to change the same at pleasure; and in its corporate name may be sued, and may institute suits, both in law and equity, for the recovery of all fines, debts, fees, dues and arrearages due the said corporation, and for all other causes of action.

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

Approved March 22, 1871.

CHAPTER CCLXXIII.

An Act to incorporate the Hopatcong Ice Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Augustus W. Cutler, Isaac A. Canfield, Frederick G. Burnham, William T. Leport and James J. Cutler, and such other persons as may be associated with them, shall be and they are hereby declared to be a body corporate and politic in fact and in name, by the

Corporate name.

style and title of the Hopatcong Ice Company, and shall be

Powers.

capable of suing and being sued at law and in equity in all respects as natural persons, that they may gather and store ice, to be sold to the citizens of this State and adjoining States, and to buy, hire, lease and hold all such property

real and personal, as the needs of the business of said company shall require wherever their said business shall be carried on, and to dispose of the same at their pleasure.

Location of principal office.

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

Amount of capital stock.

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

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to receive subscriptions to said capital stock, at such times and places as they shall appoint in one or more newspapers published at Morristown, and when one hundred shares of said stock shall have been subscribed for, and ten dollars on each share so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to such stock for the purpose of organizing the company by the election of directors; and when the board of directors is organized by the appointment of a president and other proper officers, the commissioners shall deliver to such board of directors all moneys, papers and property in their possession and relating to said company, and if the subscribers to such stock fail to elect directors as herein provided, the persons above named shall be directors for one year, and until others are lawfully chosen.

Election of directors.

Election and appointment of officers.

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

6. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company, to call in all instalments on the stock sub-

Instalments not paid to declare stock forfeited.

scribed for in such amounts, and at such times as they may direct, giving to each subscriber twenty days' notice, either personally or by a general publication in one or more newspapers published in the town of Morristown; and also to declare forfeited to said company all shares upon which default in paying instalments shall arise, and all previous payments thereon.

Issue stock in exchange for property.

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

When to commence operations.

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

May build rail road.

9. *And be it enacted*, That said company may erect, build, maintain and operate a horse railroad from any point in the county of Sussex, or in the county of Morris, where they may have an ice depot, to a point on the Morris canal, or on either of the said railroads, in either of said counties,

Proviso.

for the transportation of ice exclusively; *provided always*, that they first obtain the consent of the owners of the land over which they propose to lay said railroad, or of a majority of the town committee of the township or townships through which they propose to lay said railway, to the building, maintaining and operating such railway.

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

Approved March 22, 1871.

CHAPTER CCLXXIV.

An Act to incorporate The Willow Grove Cranberry Company.

Preamble. WHEREAS, The Willow Grove Cranberry Company is now incorporated under the general laws of New Jersey, and as such hold lands, tenements, goods, chattels and real estate, and are improving the same for the purpose of cultivating cranberries; AND WHEREAS, said company are desirous of being incorporated under a special act of incorporation; therefore,

May hold real estate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the goods and chattels, lands and tenements, real estate, rights, privileges and immunities now owned and held by said company, shall vest and be absolute in The Willow Grove Cranberry Company, hereby sought to be incorporated, as completely and entirely as they now vest in the said company.

Corporators. 2. *And be it enacted*, That Charles H. Whitecar, Charles T. Reed, M. H. Shimp, James M. Goodenough, Aaron E. Ballard, T. B. Tappan, J. B. Dobbins, and all such persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Willow Grove Cranberry Company." Corporate name.

Object. 3. *And be it enacted*, That the object of said company is to buy, hold, cultivate and improve lands in the county of Salem, and also to raise and sell cranberries and other fruits and other produce of said lands, and to carry on the business connected therewith, and to erect such buildings and hold such personal property as may be necessary therefor.

May sell lands and the products thereof. 4. *And be it enacted*, That they and their successors by the same name may sell and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their

own and adjoining and contiguous lands as they may deem for the benefit of said lands.

Amount of capital stock.

5. *And be it enacted*, That for such purposes the said company shall or may raise by subscription, by opening the books therefor or otherwise, a capital stock of twenty-two thousand five hundred dollars, with liberty to increase the same to two hundred thousand dollars, which shall be divided into shares of one hundred and fifty dollars each, to be deemed personal property and to be transferred only in the books of the corporation.

Directors to make by-laws, &c.

6. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this State as the by-laws may provide.

Vacancies, how filled.

7. *And be it enacted*, That until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders.

Power to sell shares.

8. *And be it enacted*, That said company shall be empowered to sell shares for any unimproved portions of the tract owned or that may be owned by said company, and that persons buying said shares shall have interest only in the products of such land as their share or shares shall represent in the locality specified by said share or shares.

How dissolved.

9. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders, especially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the said stock holders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the sur-

Proviso.

plus among the stockholders in proportion to their respective interest in the stock.

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

Approved March 22, 1871.

CHAPTER CCLXXV.

An Act to incorporate the National Telegraph Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles K. Landis, Edwin M. Turner, William A. House, John L. Burk, C. B. Campbell and Willis T. Virgil, and their associates, shall be, and they are hereby created a body politic and corporate, by the name, style, and title of "The National Telegraph Company," and by that name shall be capable of purchasing, holding, leasing, and conveying any lands, tenements, or personal property necessary or expedient for the objects of the corporation hereby created, with power to have, use, and adopt, a common seal, and to alter and change the same at pleasure; to sue and be sued, to defend and be defended, in all courts of law and equity, with power to construct, purchase, hold, use, maintain, and operate, a line of electric telegraph, with the appurtenances, from the village of Vineline, in the county of Cumberland, to Atsion, in the county of Burlington, and from Vineland aforesaid, to any point of the Delaware river or bay, in the township of Greenwich, in the county of Cumberland, or elsewhere in the State of New Jersey, and to make connection with the most convenient telegraph lines already authorized in this State; and shall have power to construct their lines over or under any of the public roads, streets, or highways, and through, across, or under any of the waters within the limits of the State, but in such manner as shall not interfere with the safety or convenience of the public, or injuriously affect the navigation of any waters; *provided*, that they shall not interfere with the lines of other telegraph companies; *and provided*, that nothing herein contained shall be construed

Corporators.

Corporate name.

Powers.

Proviso.

to authorize the construction of a bridge across any of the waters of this State, and that the use authorized of any highway or street shall be subject to the regulation of the corporate authorities of the township, or other municipal corporation where such use shall be exercised.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same to two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said company by their by-laws may direct.

Commissioners to receive subscriptions to capital stock.

3. *And be it enacted*, That the corporators named in this act, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, and as soon as ten thousand dollars of the capital stock of said company shall be subscribed, such commissioners, or a majority of them, shall give notice to said subscribers of the time and place of meeting to choose five directors of said company, a majority of whom shall be residents of this State, and such election shall be held at the time and place so appointed by such of the subscribers to said capital stock as may attend in person or by proxy, each share of said stock subscribed for entitling the subscriber thereof to one vote; at such election the commissioners herein named, or any two of them appointed for that purpose, shall act as inspectors thereof, and shall certify, under their hands, the names of persons who may be elected, and shall thereupon deliver over to the persons so elected, the subscription books and such moneys as may have been received by them.

Election of directors.

Vacancies, how filled.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual election of said corporation, shall, as soon as may be after every such election, choose out of their own number a president, who shall hold his office until a successor shall be elected; and in case of death, removal, resignation, or disqualification of any director, the vacancy may be filled by said board of directors; and the said board of directors shall also have power to appoint a treasurer, secretary, and such other officers and agents as they may deem necessary for the carrying on the business of said company.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not take place at the time when, by this act, it should be held, the said company shall

not, for that cause, be deemed dissolved, but such election shall be held at such other time as the directors, for the time being, shall appoint; and such directors for the time being, shall continue to hold their office until new ones shall be chosen in their place. Not dissolved in case of failure to elect directors.

6. *And be it enacted*, That the election for directors shall be held at such times and places as the board of directors shall, from time to time direct, of which election public notice shall be given, for at least ten days, in some newspaper published in the county of Cumberland; and the said directors shall have power to transact all business of said corporation, and they 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 non-payment of said instalments, or any of them, to forfeit the share or shares on which such default shall arise, to and for the use of the corporation, and also to make and prescribe such by-laws, rules and regulations, as to them shall seem needful and proper, touching the management of the stock, property, estate and effects of said corporation. Power of directors.

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

8. *And be it enacted*, That said company shall have power to issue stock for or take in payment of subscriptions, any personal or real property required to be used for and in conducting of the said business of said company, and that no dividends shall be declared except as the by-laws of said company shall direct; and said company may issue stock in payment of any debt of said company, and that any railroad company may subscribe to the stock of said corporation. Power to issue stock, &c.

9. *And be it enacted*, That a majority of the directors of said company shall constitute a quorum for transacting business; the meetings of the stockholders and board of directors may be held at such times and places as may be provided by the by-laws from time to time. Meetings, how held.

10. *And be it enacted*, That any person who shall

Penalty for injury to property.

unlawfully and intentionally injure, molest, or destroy any of the lines, posts, conductors, buildings, or other property belonging to said company, within this State, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment within the county jail not exceeding one year, or both, at the discretion of the court, before which the conviction shall be had.

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

Approved March 22, 1871.

CHAPTER CCLXXVI.

Supplement to an act entitled "An Act to authorize the Board of Chosen Freeholders of the county of Hudson, to establish a jail and workhouse at the county farm in said county."

Persons convicted to be imprisoned in the county jail.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the court of oyer and terminer and general jail delivery, and the court of the general quarter sessions of the peace, in and for the said county of Hudson, in all cases where persons shall be convicted in either of said courts of any offence punishable by imprisonment in the state prison, if in the discretion of such court it be advisable so to do, to adjudge that such person so convicted to be confined at hard labor and confinement in the jail on said county farm, for such a length of time for which such person might for such offence have been sentenced to the state prison, and such person so sentenced shall be transported at the expense of the county by the sheriff of the county of Hudson, or his lawful deputy, to the said jail on the county farm, and such person so delivered to the jailor shall be safely kept in said jail until the time of his or her confinement shall have expired, and the fine or fines and costs of prosecution be paid, or worked out as hereinafter provided.

2. *And be it enacted*, That the said board shall transport all such offenders to said jail, in such manner as said board by their rules provide, and pay. Manner of transporting offenders.

3. *And be it enacted*, That no person shall be appointed or elected jailor, or under jailor, or an employee therein who has ever been convicted of any crime, of which fact an affidavit must be made by such jailor, under jailor or employee, before he enters upon the duties of his office or employment, and if such person so appointed or elected to any such position shall falsely swear, he or she shall be deemed guilty of perjury, and liable to the punishment therefor. No person to be appointed or elected jailor or employee who has ever been convicted of any crime.

4. *And be it enacted*, That the board of chosen freeholders of the county of Hudson shall at the expense of the said county furnish each prisoner with a copy of the Bible. Bible to be furnished prisoners.

5. *And be it enacted*, That the said board, or any committee thereof, shall have power to examine, under oath or affirmation, any person or persons, relative to any abuse or breach in any of the officers or employees of said jail, or the workshop connected with said jail, or in regard to any matters or things relating to said jail or workhouse. May have power to examine under oath.

6. *And be it enacted*, That it shall be lawful for the board of chosen freeholders aforesaid, to allow any offender committed to said jail to work out any fine or fines and costs of prosecution, after such offender shall have served his or her full term of confinement; and in computing fines and costs of prosecution in such cases, there shall be credited to each offender the sum of fifty cents per day for each day he or she shall actually be engaged in work assigned to him or her after serving his or her term of imprisonment. Offenders to be allowed to work out fines and costs of prosecution.

7. *And be it enacted*, That no officer, or other employee of said jail or workhouse shall be allowed any compensation, pay or emolument, directly or indirectly, by reason of his office, except such salary or pay as shall be given by said board of chosen freeholders, nor shall he or she be allowed to receive any fee, commission or gratuity from any inmate of said jail, or from any person or persons having business, directly or indirectly, with said jail or workhouse, or furnishing supplies or other articles therefor. No officer or employee shall be allowed any other compensation except salary.

8. *And be it enacted*, That the presiding judge of the courts aforesaid respectively, of the county of Hudson, shall be required to certify to the correctness of the taxed costs, Costs to be certified.

in all cases of conviction and sentence of a person to imprisonment in said jail, for which said judge shall be allowed the sum of one dollar for each certification.

Repealer.

9. *And be it enacted*, That all acts and parts of acts, so far as they may be inconsistent with this act be and the same are hereby repealed.

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

Approved March 22, 1871.

CHAPTER CCLXXVII.

AN ACT to legalize the Town Meeting held in the township of Madison, in the county of Middlesex, March seventh, anno domini one thousand eight hundred and seventy.

Election legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election held in and for the said township of Madison, on the seventh day of March, in the year one thousand eight hundred and seventy, for township officers, and for voting and granting and raising moneys for said township, be and the same is hereby declared to be binding and in full force upon the inhabitants and upon the taxable property within the said township.

Assessment made by the assessor to be binding.

2. *And be it enacted*, That the assessment made by the assessor of said township of Madison, in said county, for the year one thousand eight hundred and seventy, is hereby declared to be binding upon the inhabitants and upon the taxable property of said township, and that no assessment made as aforesaid shall be annulled or disregarded, by reason of said election having been held on the seventh day of March, in said year, and that no suit or action at law, or any proceeding whatever, shall be commenced or prosecuted in any court within this State, to annul, abrogate or set aside any assessment made as aforesaid, for any of the said reasons described in this act.

3. *And be it enacted*, That this act shall, for every purpose in equity, be considered and accepted as a public act, and that it shall take effect immediately.

Approved March 22, 1871.

CHAPTER CCLXXVIII.

An Act to divide the township of Hackensack, in the county of Bergen, into three townships, to be called the township of Ridgefield, the township of Englewood, and the township of Palisades, respectively.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Hackensack, in the county of Bergen, which lies south of a line, beginning at a point on the Hackensack river where the Cedar Lane road strikes the same, running thence in an easterly direction along the middle of the said Cedar Lane road to the easterly bank of the Overpeck creek; thence in a northerly direction along the easterly bank of said creek to where the same strikes the line or lands formerly of John I. Demott; thence easterly along the southerly line of said Demott's land to the east line of the present township of Hackensack, be and the same is hereby created a separate township, to be called and known by the name of the township of Ridgefield, in the county of Bergen. Boundaries.

2. *And be it enacted*, That all that part of the present township of Hackensack which lies north of the line in the last section described, and south of a line beginning at the Hackensack river, where the road leading from New Bridge to Schraalenburgh intersects it, and running thence easterly along the middle of said road to the Schraalenburgh road; thence southerly along the middle of the Schraalenburgh road to the intersection thereof with the middle of Liberty road; and thence southeasterly along the middle of Liberty road to the intersection thereof with the middle of the road leading to Cornelius Brinkerhoff's house; thence along the middle of the same to the Tenafly road; thence northerly along the middle of the Tenafly road to the south line formerly of Jacob I. Demott; and thence southeasterly along the same to the east line of the present township of Hackensack, be and the same is hereby created a separate Boundaries

township, to be called and known by the name of the township of Englewood, in the county of Bergen.

Boundaries.

3. *And be it enacted*, That all that part of the said township of Hackensack which lies north of the northerly line of the said township of Englewood, hereby created, be and the same is hereby created a separate township, to be called and known by the name of the township of Palisades, in the county of Bergen.

Corporate names

4. *And be it enacted*, That the inhabitants of the said townships of Palisades, Englewood and [Ridgefield,] shall be and hereby are constituted, severally, bodies politic and corporate in law respectively, and shall be styled and known respectively, by the name of "The Inhabitants of the Township of Palisades, in the County of Bergen," "The Inhabitants of the Township of Englewood, in the County of Bergen," and "The Inhabitants of the Township of Ridgefield in the County of Bergen," and shall be vested with and entitled to all the rights, powers, authority, privileges and advantages, and subject to the same government, regulations and liabilities, as the inhabitants of the other townships in the said county of Bergen now are, except as hereinafter provided.

Powers.

Time and place of holding first annual meetings

5. *And be it enacted*, That the inhabitants of the townships of Palisades, Englewood and Ridgefield shall, respectively, hold their first annual meetings as follows: the inhabitants of the township of Palisades, at the house of Herman Heichs, in said township; the inhabitants of the township of Englewood, at Staggs' hall, in said township; the inhabitants of Ridgefield, at Carman's hotel, in said township, on the day appointed by law for holding the annual meetings in the several townships of the county of Bergen, and that at the hour of eight o'clock in the morning, they shall respectively, viva voce, choose by a plurality of votes, one fit person, to preside at and superintend said meeting, and also one person to act as clerk, which officers so chosen shall perform the duties now required by law of such officers, and thereafter the town meetings shall be held at such places as the said inhabitants shall respectively determine, in the manner prescribed by law, and shall vote for the like township officers and all appropriations of money, by ballot, in the manner now provided by law in regard to the township of Hackensack.

Town committees to meet to allot and divide all moneys and property on hand.

6. *And be it enacted*, That the town committees of the townships of Ridgefield, Englewood and Palisades hereby created, shall meet on the first Monday after the first annual town meeting in said townships, at Staggs' hall, in said township of Englewood, at ten o'clock in the forenoon of said day, and shall then and there proceed by writing, signed by a majority of the members of the said committees present, to allot and divide between the townships of Palisades, Englewood and Ridgefield, all the property and moneys on hand or due, as valued and assessed by the assessor of the township of Hackensack at the last annual assessment, and the inhabitants of said townships of Palisades, Englewood and [Ridgefield,] shall be liable to pay their just proportion of the debts of the inhabitants of the township of [Hackensack] in the county of Bergen, if any there be; and if any of the members of the said town committees shall neglect or refuse to attend the meeting aforesaid, those present may proceed to make such division, and shall have full power to adjourn from time to time, and to such place as they think proper, and their decision, or the decision of a majority of them, shall be final and conclusive.

Paupers, to whom chargeable.

7. *And be it enacted*, That all paupers who may be chargeable to the present township of Hackensack at the time this act goes into operation, shall thereafter be chargeable to and supported by that township, within the bounds of which they have respectively acquired their legal settlements; and it shall be lawful for the township committees of said townships of Palisades, Englewood and Ridgefield to sell and convey the real estate now belonging to the inhabitants of the township of Hackensack, in the county of Bergen, (if not sold before this act takes effect) at such price, and on such terms, as they and the purchasers shall agree upon, at any time after the inhabitants of said townships shall have decided by vote, at any regular or special town meeting, that the same shall be sold; *provided*, thirty days' previous notice of intention to vote upon such question shall have been given by the clerks of said townships, by advertisements set up in five of the most public places in said townships.

Township committees may sell real estate.

Proviso.

Commissions of justices of peace, &c., not affected.

8. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissions

for taking the acknowledgments and proofs of deeds, until they shall expire by their own limitation, or so as to impair the rights of the said townships of Palisades, Englewood, and Ridgefield, in and to its just and legal proportion of the surplus revenue of the general government, and the interest due or to become due thereon.

Road board to divide townships into road districts.

9. *And be it enacted*, That the provisions of an act entitled, "An act concerning roads, in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy, shall continue in force in the said townships hereby created, in like manner as if this act should not have been passed, except that the number of commissioners shall be increased to nine, to be appointed as in the said act provided, of whom three shall be residents and freeholders in each of the several townships hereby created, and that the term of office of one commissioner in each township shall expire on the first Monday of April, in each year, and that the road districts erected by said act shall be abolished, and in lieu thereof the said road board shall divide each of the townships hereby created into three road districts, each one of which road districts shall be placed under the supervision of one of the said commissioners, with like powers as now granted to the commissioners of each road district in the act in this section referred to, and that the name of the said road board shall hereafter be known as the public road board of the townships of Ridgefield, Englewood and Palisades; and that the road board of the said townships of Ridgefield, Englewood and Palisades shall have the same powers, and be subject to the same liabilities as the public road board in the township of Hackensack now have or are subject to; and that the township committees of each of said townships hereby created shall respectively have the same powers in regard to the commissioners of each township as are now granted to the township committee of the present township of Hackensack; and that each of the said commissioners and each of the road districts in the townships hereby created, and the freeholders thereof, shall have the same powers, and be subject to the same duties and liabilities in regard to the roads therein situated, as are granted to and imposed upon the road districts, and the freeholders thereof, in and by the said act creating the public road board of the present township of Hackensack.

Powers of township committee.

10. *And be it enacted*, That this act shall take effect on the first Monday in April, one thousand eight hundred and seventy-one.

Approved March 22, 1871.

CHAPTER CCLXXIX.

An Act to divide the township of Roxbury, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the present township of Roxbury, in the county of Morris, lying east of a certain line, hereinafter next mentioned, to wit: beginning at the outlet of the canal reservoir, near Stanhope, on the line between the counties of Sussex and Morris, and running thence to the junction of the roads leading respectively from Drakeville and Succasunna to Flanders, south of the house of Absalom K. Woodruff; and runs thence southerly in a straight line between the house of Jacob Wack and the house of Samuel Betts; thence to the line between the township of Roxbury and the township of Chester; shall from and after the passage of this act, constitute and be known as the township of Roxbury, and the inhabitants of the said township of Roxbury are hereby constituted a body politic and corporate, and shall be known by the name of "The Inhabitants of the Township of Roxbury, in the county of Morris," and shall be entitled to all the rights, power, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the present township of Roxbury are or may be entitled or subjected to by existing laws of the State. Boundaries. Corporate name and powers.

2. *And be it enacted*, That all that part of the present township of Roxbury lying west of the above mentioned line, that is to say: on the west of a line beginning at the outlet of the canal reservoir, near Stanhope, on the line between the counties of Sussex and Morris, and running thence to the junction of the roads leading respectively from Drakeville and Succasunna to Flanders, south of the house Boundaries.

of Absalom K. Woodruff; and running thence southerly, in a straight line between the house of Jacob Wack and the house of Samuel Betts; thence to the line between the township of Roxbury and the township of Chester; shall, from and after the passage of this act, constitute and be known as the township of Mount Olive, and the inhabitants of the said township of Mount Olive, are constituted a body politic and corporate, and shall be known by the name of

Corporate name and powers.

"The Inhabitants of the Township of Mount Olive, in the county of Morris," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the present township of Roxbury are or may be entitled or subjected to by existing laws of the State.

Commissioners appointed to run and mark the lines.

3. *And be it enacted*, That William S. Cary, of the township of Roxbury, and Richard Stephens, of the township of Mount Olive, be and they are hereby appointed commissioners to run and mark the lines of said townships respectively, and that the expenses and reasonable compensation of said commissioners be equally paid by said townships.

Time and place of holding first meeting.

4. *And be it enacted*, That the inhabitants of the township of Roxbury shall hold their first township meeting at the hotel now kept by Jeremiah Baker, at Drakeville, on the tenth day of April next, and afterward in each year at such place as the inhabitants of said township shall at their first preceding annual town meeting determine; at the first township election John C. Willet shall act as judge of election, and Theodore E. Young as clerk; and all future spring elections, known as town meetings, shall be by ballot, subject to the provisions of "An act to authorize the inhabitants of the several townships of this State to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty.

Time and place of holding first meeting.

5. *And be it enacted*, That the inhabitants of the township of Mount Olive shall hold their first township meeting at the hotel now kept by Mahlon Regor, at Flanders, on the tenth day of April next, and afterward in each year at such place as the inhabitants of said township shall at their first preceding annual town meeting determine; at the first township election Jacob Wack shall act as judge of election, and John N. Sharp as clerk.

6. *And be it enacted*, That the township committee of the township of Roxbury, and the township committee of

the township of Mount Olive, shall meet on Saturday, the twenty-second day of April next, at the hotel of Frederick Wiltse, at Succasunna, at ten o'clock in the forenoon, and afterward, if necessary, at such times and places as the majority of those present may determine, and then and there, by writing, signed by a majority of said committee, allot and divide between said townships, such property, if any, as may be owned by the present township of Roxbury, and such moneys as may be on hand or due, or to become due to said township, in proportion to the taxable property in said townships respectively, as determined by the last assessment of taxes, and each of said townships shall be and remain liable to pay its just proportion of the debts of the present township of Roxbury, as the same may exist at the next annual town meeting, until the same are fully paid and discharged, such proportion of said indebtedness to be assessed on the inhabitants of said townships respectively, in accordance with the laws now applicable thereto.

Committees to meet and allot and divide moneys and property.

7. *And be it enacted*, That if any person herein named or appointed to act as judge or clerk of election in either of said townships, shall refuse, or for any cause shall fail to fulfill said appointment, the persons who shall attend, and who are entitled to vote at such election shall, by a viva voce vote, to be taken before the opening of the polls, elect a suitable person to discharge the duties of the person so refusing or failing to act.

Vacancies, how filled.

8. *And be it enacted*, That nothing in this act shall be construed to impair, or in any wise affect the rights of the said townships of Roxbury and Mount Olive, in and to their just and legal proportion of the fund known as the surplus revenue, and the interest due or to become due thereon.

Rights to surplus revenue not affected.

9. *And be it enacted*, That nothing herein contained shall be construed to interfere with the persons holding office in that part of the said township of Roxbury, set off and called the township of Roxbury, and in that part set off and called the township of Mount Olive, but all such persons shall continue to hold and enjoy such office, and discharge the duties thereof, until the said offices expire by their own limitation.

Persons holding office not affected.

10. *And be it enacted*, That the townships of Roxbury and Mount Olive shall form part of the third assembly district of the county of Morris.

To be part of the third assembly district.

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

Approved March 22, 1871.

CHAPTER CCLXXX.

Supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth.

Power to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Elizabeth shall have power to issue funded debt bonds sufficient to pay the debt due for erecting the fire alarm telegraph and the purchase of fire apparatus in the city of Elizabeth, and said bonds shall be issued in accordance with the provisions of section ten of the supplement to the city charter, approved March seventeenth, one thousand eight hundred and seventy.

Costs and expenses for repairing and relaying pavements to be assessed and collected.

2. *And be it enacted*, That two-thirds of the costs and expenses of repairing and relaying any pavement now or hereafter laid in said city, shall be assessed on and collected from the owners of property lying along said street or section thereof so paved, and one-third raised by general tax.

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

Approved March 22, 1871.

CHAPTER CCLXXXVI.

An Act for the relief of Phebe Lucas.

Preamble.

WHEREAS, Captain John H. Lucas did recruit a company of one hundred men for the fourth regiment New Jersey volunteers, under the call of his excellency Governor Olden for five regiments of volunteers for three years, and did transport the same to the city of Trenton at his own expense; AND WHEREAS, by a vote of said company they were mustered into the United States' service as company F, of the first regiment of New Jersey cavalry, an inde-

pendent organization, recruited and organized by Colonel William Halstead, under special authority of the war department; AND WHEREAS, by reason of said company being mustered into an organization recruited independent of the State authority, said Captain Lucas could not be reimbursed by this State for his expenses incurred in recruiting, subsisting and transporting said men, without the action of the Legislature; AND WHEREAS, said Lucas before making his claim for the payment of said expenses, on the twelfth day of October, one thousand eight hundred and sixty-three, was killed in command of said regiment, leaving no issue; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller be, and he is hereby authorized to draw his warrant upon the treasurer, in favor of Mrs. Phebe Lucas, the widowed mother of said deceased, for such sum as may be found due and certified to by the quartermaster general of this state, for expenses in recruiting, subsisting and transporting said men, and the receipt of the said Phebe Lucas shall be a sufficient voucher for the payment. Comptroller authorized to draw a warrant.

Approved March 22, 1871.

CHAPTER CCLXXXVII.

A Supplement to an act entitled "An act to incorporate the Amboy Iron Works," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation be, and the same is hereby authorized and empowered to carry on the business of building, constructing and equipping railroads, tramways, bridges and other structures; and to make such contracts for such work with individuals or corporations as may be necessary; *provided*, that nothing herein shall be construed to authorize such corporation to manage or carry on any railroad or tramway by them constructed. Power to build, construct and equip railroads. Proviso.

May hold stocks and bonds of corporations.

2. *And be it enacted*, That said corporation may own and hold stocks and bonds of any other corporations for which it may have done and performed work, to the amount of such work.

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

Approved March 22, 1871.

CHAPTER CCLXXXVIII.

An Act to incorporate a Live Stock Insurance Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. C. Hopewell, P. Opdycke, S. Rockafellow, Runkle Rea, Nelson Abbott, F. S. Holcombe, W. L. Gardner, G. B. Stothoff, J. L. Jones, D. H. Banghart, J. B. Rockafellow, P. E. Voorhees, John Kugler, P. Voorhees, A. E. Sanderson, T. V. M. Cox, N. Stout, H. Moore, T. Laquear, W. L. Hoppock, A. B. Chamberlain, H. Cole, W. Large, W. Bunn, J. Quick, G. F. Crater, Joseph Thompson, Arthur S. Teneycke, Calvin Corle, H. V. D. Vanliew, John H. Staats, Z. L. Nevius, Augustus T. Ege, B. F. Holcombe, Joseph H. Bruere, J. H. Hill, A. Muirheid, W. Ramsey, Abr. Brands, Hadoram Metler and others, their successors and assigns shall be, and are hereby ordained, constituted and declared a body corporate, in fact

Corporate name.

and in name, by the name of "The New Jersey Live Stock Mutual Insurance Company," and by that name shall have perpetual succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may alter and change the same at pleasure, and also that they and their successors by the name of The New Jersey Live Stock Mutual Insurance Company, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation

provided, that the said real estate which it may be lawful for the said corporation to hold, be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken in security for or in payment of debts; nor shall the yearly income of such real estate exceed the sum of one thousand dollars. Proviso.

2. *And be it enacted*, That all persons who shall insure in or with the said association shall be deemed and taken for members of the said corporation, and that the property and concerns of the said corporation shall be conducted and managed by not less than seven nor more than thirteen directors, all of whom shall be citizens of this State, and at least three of them residents of the township of Raritan, in the county of Hunterdon, and shall not hold a like office or agency in any other Live Stock Insurance Company; to be chosen by ballot by and among the members, to hold their office for one year, and until others are chosen. All persons insured members of corporation.

3. *And be it enacted*, That the first election for directors, by the members of the association, shall be held on the third Wednesday of April, in the year of our Lord one thousand eight hundred and seventy-six, in the village of Flemington, and on the third Wednesday in April, of each and every year thereafter, public notice of which shall be given by the secretary in one or more newspapers published in each of the counties of this State, where the directors have appointed five or more agents or assistants, at least three weeks previous to the time of holding such election, and if any of said directors shall die, or refuse or neglect to act in their said office for the space of two months, then the remaining directors shall have full power to fill such vacancy or vacancies until the time of the next election, and in case it shall happen that an election should not be held on the day, when pursuant to this act it ought to have been held, the said corporation, for that cause, shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors; *provided, always*, that the said election shall have been duly advertised as before named, and held between the hours of ten o'clock in the forenoon and five o'clock in the afternoon. Election of directors. Proviso.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to make all and every insurance appertaining to or connected with the risk of the lives of horses, mules, and neat cattle, belonging to citizens of this May insure live stock.

State, except droves of horses, omnibus, boat horses or mules, or horses belonging to horse cars, or droves of cattle, subject to such rules, regulations, and by-laws as may be made and adopted by the board of directors, in accordance with the provisions of this act; *provided always*, that no stallion shall be insured for more than five hundred dollars; no mare or gelding for more than five hundred dollars; no span of mules for more than four hundred dollars, and that the insurance on neat cattle shall not exceed two hundred and fifty dollars each.

Proviso,

Directors.

5. *And be it enacted*, That John C. Hopewell, Peter E. Voorhees, John L. Jones, George B. Stothoff, John Muirheid, Henry Cole, Joseph W. Willever, of Hunterdon county, Augustus T. Ege, Alfred Muirheid, of Mercer county, Joseph Thompson, Calvin Corle, Somerset county, William Ramsey, of Warren county, Isaac W. Pumyea, of Middlesex county, be, and they are hereby appointed directors, to hold their office until the third Wednesday of April, in the year of our Lord one thousand eight hundred and seventy-six, or until others are chosen in accordance with the provisions of this act; and that the directors hereinbefore mentioned shall, as soon as convenient after the passsing of this act, and the directors chosen agreeably to the provisions of this act shall, as soon as conveniently after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of the county of Hunterdon, and who shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve of the president, such vacancy may be filled for the remainder of the term by such persons as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the by-laws of said company may provide; *provided*, that the president of the said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

Vacancy of office of president, how filled.

Proviso.

Powers of directors.

6. *And be it enacted*, That it shall and may be lawful for the board of directors for the time being, or a majority of them, to make or prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, touching all such

other matters as appertain to the business, ends and purposes, which the corporation by this act is entitled to; and, also, shall have power to appoint a secretary, treasurer, agents and assistants, and such additional officers, clerks and servants for carrying on the business of the said corporation, with such allowances as to them shall seem meet and proper; *provided*, that such by-laws, rules and regulations be not repugnant to the constitution of the United States, or of the State of New Jersey, or the provisions of this act; *and provided also*, that any one or more of such officers, clerks and servants may at any time be removed by a majority of said directors for misconduct.

Proviso.

Proviso.

7. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such place as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of the said corporation; *provided*, that no policy of assurance shall be issued for more than three years, and that no transfer of any policy of insurance of the said company shall be valid for more than thirty days after such transfer, until it be entered in the books of said company, and certified by the secretary.

Policies of insurance.

Proviso.

8. *And be it enacted*, That the directors shall take bond of the treasurer, and such agents and assistants as they may appoint, for such sums as they shall think proper, for the faithful performance of their duty, and that each director, surveyor, treasurer, secretary, agent or assistant shall, before he enters upon the duties of his office, take the following oath or affirmation (as the case may be): "I, ———, do swear, or affirm, that I will honestly and faithfully execute the duties of ——— of this association, agreeably to the provisions of this act, and the trust reposed in me, to the best of my skill, knowledge and judgment;" which oath or affirmation the president or secretary is hereby authorized to administer.

Treasurer to give bond, and officers to take oath.

9. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, fill up all policies of insurance, countersign and seal the same, with the seal of the corporation, and such other duties as the board of directors from time to time by their by-laws may direct.

Duties of Secretary.

Policies of Insurance not to be issued.

10. *And be it enacted*, That no policy shall be issued by the said company until application shall have been made for insurance to the amount of twenty thousand dollars.

Assessments to be made on the death of any animal insured.

11. *And be it enacted*, That in case of loss by the death of any animal insured, it shall be the duty of one or more of the directors to examine the same, and ascertain the liabilities of the association, which liabilities shall be paid in sixty days; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained or other liabilities, to a greater amount than they have funds to discharge, in such cases 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 representatives, according to the amount of each member's insurance, which rates of assessment shall be approved by a majority of the whole number of directors, and notice in writing shall be given to each member, or his representative, to his post office address as stated in his application, of the assessment and amount by him, her or them to be paid, and each and every member or his representative, so notified, shall pay the same to the collector or treasurer for the time being, within forty days after such notification, and in default thereof, shall forfeit double said rates and all the rights and claims to any policy that they may have obtained, and be no longer members of the association, until they shall have paid said double rates, but shall be liable to a recovery of double the amount of such rates or assessment by action of debt, with cost of suit, before any court of competent jurisdiction, and no person, on account of being a member of this corporation, shall be incompetent to be a witness for or against said association.

Failure to pay assessments to forfeit all rights.

Any animal becoming disabled, the owner may make application to the president.

12. *And be it enacted*, That in case of any animal insured in this company becoming so disabled through sickness or accident, that the owner thereof may consider the same worthless or incurable, he or she may make application to the president, who shall appoint two directors to view the same, and it shall be the duty of said directors, without unnecessary delay to examine and inquire into the condition of the said animal, and if, after having taken into consideration the best or all the evidence at their command, they are fully satisfied in their opinion that the said animal has become worthless and incurable, they shall direct the owner to kill the same, and proceed as is herein provided for in case of death.

13. *And be it enacted*, That any five of said directors, when met agreeably to public notice, shall be a quorum to transact business, and when any less number shall do business as a committee, such business, when approved by a majority of the board, shall be taken as the action of the board, and be entered on the books of the association, which books shall always be open at suitable times for the inspection of the directors and members. Books shall be open for inspection.

14. *And be it enacted*, That the president or secretary shall have power to call a special meeting of the board, when he shall deem the interest of said association to demand the same; and the board shall cause a statement of their doings to be made at the annual meeting; any twenty members calling for a special meeting of the board in writing, the president shall convene said board within thirty days. Special meetings, and statements to be made.

15. *And be it enacted*, That no money shall be drawn from the treasurer of this association, except for the purpose of paying losses by death and incidental expenses, without the consent of all the directors of said association. No money to be drawn except to pay losses.

16. *And be it enacted*, That the treasurer may, by direction of a majority of the board of directors, borrow, in the name of the association or otherwise, for the purpose of paying losses, any sum of money not exceeding five thousand dollars, and the officers of the association shall always stand and be indemnified and saved harmless by the association, in and for giving and signing policies, and all other lawful acts, deeds and transactions done, performed and executed in pursuance of and by virtue of this act and the by-laws of the association. May borrow money to pay losses.

17. *And be it enacted*, That the chartered privileges hereby granted do not include banking privileges, nor the right to insure property in any other State but the State of New Jersey; and if the privileges granted shall at any time prove injurious to the public welfare, or need alteration, it shall be lawful for the Legislature to amend, modify or repeal the same; *provided*, that no contract made by said corporation before such repeal, shall be affected thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement. Banking privileges denied. Proviso.

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

Approved March 22, 1871.

CHAPTER CCLXXXIX.

An Act to incorporate The Open Cut and General Storehouse Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Cumming, J. Wyman Jones, William H. Daly, Edward A. Walton, William Walter Phelps, and such other persons as they may associate with them, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "The Open Cut and General Storehouse Company," and that the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to any amount not exceeding two millions of dollars, by a vote of a majority of directors, and approved by a majority in interest of the stockholders, at a meeting convened, upon ten days' written notice to each of the stockholders, and the said capital stock shall be divided into shares of one hundred dollars each, which shall be subscribed and paid in at such time, and upon such notice, and in such manner and instalments as the directors of said company, by their by-laws or otherwise, may direct; that such payment shall be made in money, for which the directors may issue in payment therefor the stock of said company, and that in case of the failure of any stockholder to pay the instalments on his or her stock, at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon for the use of said company; and that said company may borrow money and issue bonds therefor, and may secure them by mortgage upon its property and franchises, not exceeding in amount the sum of its authorized capital.

Corporate name and capital stock.

Failure to pay instalments works a forfeiture.

May issue bonds.

Shares, how transferable.

2. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and the shares shall be transferable in such manner as the board of direc-

tors, by their by-laws, may direct, and every share shall entitle the holder to one vote, either in person or by proxy.

Election of directors.

3. *And be it enacted*, That the affairs of the company, after the first year, shall be managed by not less than five directors, nor more than thirteen, to be chosen by the stockholders of the said company, annually, on the second Tuesday of January, in each year, and in such manner as the by-laws of the company may direct, who shall serve one year, and until others are chosen in their stead, notice of which election shall be previously given for two weeks in two of the newspapers published in Hudson, Bergen and Passaic counties, the said directors shall from time to time elect a president from their number, and may also appoint such other officers as may be necessary, who shall receive such compensation as the by-laws may direct.

Directors.

4. *And be it enacted*, That Thomas Cumming, J. Wyman Jones, Edward A. Walton, William H. Daly, William Walter Phelps and such other persons as the said corporators may elect to associate with them, shall be the first directors of the company, a majority of whom shall, as soon as convenient after the passage of this act, assemble and organize such company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead, and that a majority of the directors of said company shall have power to make, alter and amend by-laws for the management of the affairs of said company not inconsistent with this act.

Majority of the directors to be residents of this State.

5. *And be it enacted*, That a majority of the board of directors shall, after the expiration of the first year of the organization of this company, be residents of this State, and there shall be maintained, at Jersey City, a principal office for the conduct of the business of said company.

Power to construct an open cut, &c.

6. *And be it enacted*, That the said company be and are hereby authorized to construct, excavate, use and lease, for tolls or otherwise, an open cut or thoroughfare for railroads through Bergen Hill, or the Palisade Ridge, in the counties of Hudson or Bergen, State of New Jersey, on any line and at any level or levels, between the Hudson and Hackensack rivers, and for a width, at bottom, not exceeding one hundred feet, and to construct all necessary approaches to the said cut or thoroughfare from the Hudson and the Hackensack rivers, and to erect and construct upon the land located under this act, and use and lease such general storehouses,

workshops, bridges, viaducts and other works as may be necessary or beneficial to the interests of the company; and to construct and erect docks, piers and wharves on such parts of the water frontage of the said rivers as may become their property under the provisions of this act; and the said company may purchase and own, in fee simple, hold, occupy and lease any land, building, road, dock, pier, canal or other thoroughfare within this State that may be necessary for the purposes of the company; *provided*, that nothing herein contained shall affect the rights of riparian owners or the rights of the State to lands under water; *and provided further*, that if in making such approaches to the said cut or thoroughfare it shall be necessary to cross any public street, lawfully opened and laid out on a grade above the same, the said approaches shall be carried so high above said streets that travel thereon shall not be impeded.

Proviso.

Proviso.

May enter on all lands and waters.

7. *And be it enacted*, That it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, levelling and laying out the route of such open cut or thoroughfare and approaches, and to locate all storehouses, workshops, piers, docks and other works as they may deem necessary, doing no unnecessary injury to private or other property; and when the route of such open cut or thoroughfare, and the location thereof, and of all other works and structures hereinbefore named, and a survey of such route and locations are deposited in the office of the secretary of State, then it shall be lawful for the said company, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, own, occupy and excavate and build on any such lands so located, and to erect all necessary works and structures, and to do all other things which may be suitable or necessary for the purposes of the company, subject to such compensation as is hereinafter provided; *provided always*, that the payment or the tender of the payment of all damages for the occupancy of the lands through or upon which said open cut or thoroughfare and the hereinbefore named storehouses and all other works and structures that may be laid out or located, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the

Proviso.

purpose of surveying and laying out said open cut or thoroughfare and other hereinbefore named works and structures, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings in case no agreement can be made with owners of property.

8. *And be it enacted*, That if the said company, or its officers or agents, cannot agree with the owner or owners of such required lands or other property for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands so required for the use of said company in the construction of said open cut and the hereinbefore named works and structures connected therewith, and all other works and structures that may be necessary, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause the said company to give notice to the persons interested, if known and in this State, or if unknown, or out of this State, to make publication thereof, as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested commissioners to assess the price or value of said land or other property, who shall be sworn or affirmed before the said justice to faithfully execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises or property, and hear the parties and evidence, if desired, and thereupon make such decision and award as shall to them appear to be just and proper, and transmit such decision and award, together with the description of the said land or property, with the quantity taken, by whom owned, and how situate and bounded, in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the county clerk, of the county in which such land or property is situated, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken by either party if required; and if either party shall feel aggrieved by the decision and

Proceedings in case of appeal.

award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of a petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjust the same, and if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of the said lands or property, and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company and execution issued if need be; but if the said jury be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners and shall be deducted out of the said sum awarded by the commissioners, or execution issued therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed, in fee simple, of all such lands, real estate and other property appraised as aforesaid, but such application shall not prevent the said company from taking the said land or property, upon filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or (the owner or owners thereof being under legal disability) the same being first paid into the court of chancery.

Make semi-annual dividends

9. *And be it enacted*, That the president and directors of said company may, within one year after the completion of the works hereinbefore named, or any part thereof, declare and make such dividends as they may think prudent and proper, of the net profits therefrom, and may 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.

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

Approved March 22, 1871.

CHAPTER CCXC.

An Act to incorporate the Weehawken Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That C. A. Wortendyke, Isaac Demarest, Hezekiah Watkins, Henry R. Low, Delos E. Culver, John Rutherford, and Walter M. Conkey, and their present and future associates, their successors and assigns be, and they are hereby created a body corporate and politic by the name of "The Weehawken Transportation Company," for the purpose of establishing a ferry between some suitable point or points in the city of New York and the townships of Weehawken and Union, betwen the north lines of the Delaware and Hudson Canal coal docks and the southerly side of the lands of the National Stock Yard Company, in the county of Hudson, with power to build boats, wharves, piers, bulkheads, and all other improvements necessary to carry out the objects of this corporation, with the privilege of asking and receiving such reasonable rates of toll as by the by-laws of said company may be established; such tolls not to exceed the rates now taken at the Weehawken ferry, and also to lease, purchase, and hold such real and personal estate as may be necessary for the purposes of said corporation, and to sell, lease, allot, and parcel the same, or any part thereof, in such manner as the said corporation may determine, together with all the powers and privileges, and subject to such restrictions, limitations and conditions as are specified in the act entitled "An Act concerning corporations," approved April fourteenth, anno domini one thousand eight hundred and forty-six. Corporators. Corporate name. Powers.

2. *And be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, divided into shares of one hundred 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 in part payment for the real or personal estate, ferry boats, and other property that may be purchased or leased Capital stock.

by said company, and by the by-laws to compel payments of instalments, not exceeding ten dollars on each share, at any one time, not deemed or declared full stock, and on failure to pay any instalment, to forfeit the stock and all previous payments made thereon, giving at least sixty days' notice of such call and demand, in one of the newspapers published in the county of Hudson, and one in the city of New York.

Failure to pay instalments works a forfeiture.

Power to establish a ferry, and to construct piers, &c.

3. *And be it enacted*, That it may be lawful for said corporation to establish a ferry from and between the points mentioned in section number one in this charter, to the city of New York; to construct piers, wharves, bulkheads or such other improvements as may be made thereon by said corporation; to erect ferry houses and other buildings, and to keep up and maintain the same; and to issue their bonds, to be secured by a mortgage or otherwise, to the amount of five hundred thousand dollars, in such denominations payable in such time as the directors of said company may deem best; *provided* the same shall not obstruct the navigation of the Hudson river, nor in any way impair the rights of the State to any lands under water.

Proviso.

Directors.

4. *And be it enacted*, That Cornelius A. Wortendyke, Isaac Demarest, Henry R. Low, Hezekiah Watkins, Delos E. Culver, John Rutherford and Walter M. Conkey, shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday in May, anno domini one thousand eight hundred and seventy-two, or until others are elected or appointed in their stead; and the above named persons are hereby authorized to open books of subscription to the capital stock of said company at such time and place as they may think proper, by giving at least one weeks' notice thereof in one newspaper published in the city of Jersey City or Hoboken; and when one hundred thousand dollars shall have been subscribed, it shall and may be lawful for said company to commence their operations as authorized by this act.

Directors to open books to receive subscriptions.

May make by-laws.

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

Annual election.

6. *And be it enacted*, That the annual election for directors shall take place on the first Tuesday in May, one

thousand eight hundred and seventy-two, at some convenient place in the county of Hudson, or in the county of New York, between the hours of twelve o'clock at noon and four o'clock in the afternoon of that day; all elections shall be by ballot, and each share shall be entitled to one vote, and the vote may be by person or proxy; one week's previous notice shall be given in one newspaper published in the county of Hudson; and if from any cause, any election for directors of said company shall not take place at the appointed time, it shall not therefore work a forfeiture of the charter, but a new election shall be ordered in conformity to the by-laws of said corporation.

Failure to elect directors not to be dissolved.

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president or directors of said company for that purpose; which said book or books shall be closed for the purpose of transfer of said 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 may claim to vote; and all the books of said corporation shall be open to the inspection of the stockholders, except the said transfer books.

Stock, how transferable.

8. *And be it enacted*, That it shall not be lawful at any time hereafter for any owner, captain or other person having control of any steamboat, or other boat or vessel, to touch or to land at said docks, wharves, piers or bulkheads of said corporation, or to receive or to land or discharge any passengers or freight at said docks, wharves, piers or bulkheads, or such other improvements as shall be made thereon by said corporation, unless in cases where any boat or other vessel shall be in distress, without consent first had and obtained from said corporation.

Vessels not to land at docks, &c, unless by consent.

9. *And be it enacted*, That this act shall continue in force for fifty years, and that unless said company, within five years from the passage of this act shall have established a ferry, and have the same in operation, so as to accommodate the inhabitants, this act shall be void.

Limitation.

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

Approved March 22, 1871.

CHAPTER CCXCII.

A Further Supplement to an act entitled "An act to revise and amend the charter of Atlantic City," approved March thirteenth, one thousand eight hundred and sixty-six.

City Council to lay out and adopt streets and alleys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of Atlantic shall have power and authority to lay out and adopt streets and alleys in said city, south of California avenue where none have been laid out by public authority, and the streets so laid out and adopted by said council shall be thereby appropriated to the public use forever.

Line of streets may be changed by application of property owners.

2. *And be it enacted*, That when the property owners along any street in said city, or any part thereof, shall wish the same widened, or when the property owners on one side of any street shall wish the line of said street or any part thereof, on the side on which they own property, changed so as to widen the street and take in lands of which the persons making the application are owners, it shall be lawful for the council of said city, at their option, to accept said lands and change the line of street as aforesaid, and all lands so taken and adopted shall be appropriated to the public use forever.

Licenses may be granted.

3. *And be it enacted*, That the council of said city shall have power and authority to license and assess all keepers of boarding houses, markets, groceries, ordinaries, victualling houses, bath houses, shops and stores of any kind whatever in said city, also all peddlers, chapmen and venders of goods, wares and merchandise, all carts or cartmen, public wagons and hacks in said city, also all keepers of billiard tables, shuffle boards, archerys, ten-pin alleys, shooting galleries, carried on in said city, and may pass ordinances requiring any person engaging in any business as aforesaid, to take out a license prescribing penalties for the violation thereof.

4. *And be it enacted*, That the eighty-fifth section of the

act entitled "An act constituting courts for the trial of small causes," approved April sixteenth, one thousand eight hundred and forty-six, shall not be construed to apply to the mayor of Atlantic City. Certain act not to apply to the mayor.

Approved March 22, 1871.

CHAPTER CCXCIII.

An Act to better enable the inhabitants of the Township of Evesham, county of Burlington, to control the expenditures of their road overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of roads in said township of Evesham, shall not expend more than nine hundred dollars annually upon the roads of the township, without a written order from the township committee, said sum to be equally divided among the road districts. Expenses limited.

2. *And be it enacted*, That it shall not be lawful for any of the road overseers to plough or machine-ditch, or cause to be ploughed or machine-ditched on any of the public roads after the first day of August annually, nor do any other work on said roads, except in cases of necessity to mend washes or breaks, without a written order from the township committee. Public roads not to be ploughed.

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

Approved March 22, 1871.

CHAPTER CCXCIV.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Boundaries of wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the middle of High street, which would be intersected by a line drawn through Central avenue; thence running westerly along the centre of Central avenue to the centre of the Morris canal; thence along the centre of the Morris canal, northwesterly to the centre line of Orange street; thence easterly along the centre line of Orange street to the centre of Eighth avenue; thence easterly along the centre line of Eighth avenue to the centre of High street; thence southerly along the centre line of High street to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the Fifteenth ward of the city of Newark.

Boundaries annexed to the Seventh Ward.

2. *And be it enacted*, That all that part of the city of Newark, beginning at a point in the centre of Bank street, at the intersection of Morris avenue; thence running northerly along the centre line of Morris avenue to the Morris canal; thence along the several courses of the line dividing the Seventh and Eleventh wards, as at present constituted, to the centre of Bank street; thence westerly along the centre line of Bank street to the place of beginning, (comprising a certain portion of the Eleventh ward as at present constituted) shall be and the same is hereby annexed to the Seventh ward.

Invested with all rights.

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

4. *And be it enacted*, That the alderman of the Seventh ward now residing in that part of the present Seventh ward created by this act into the Fifteenth ward, shall serve as alderman of the Fifteenth ward, for the remainder of the term for which he was elected; and at the annual charter election in October next, an alderman shall be elected in the Seventh ward to fill the vacancy in said ward caused by the creation of the Fifteenth ward. Election of alderman.

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

6. *And be it enacted*, That at the first or subsequent meeting of the board of education, after the first Tuesday after the first day of January next, the commissioners of public schools elected from the said ward hereby created shall be

New Jersey State Library

Commissioners of public schools to be divided into two classes.

divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in October, in the year one thousand eight hundred and seventy-two, and every year thereafter, the said ward hereby constituted shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

Police Justice, how appointed.

7. *And be it enacted*, That there shall be in the said ward hereby created one special police justice, who shall be appointed by the Senate and General Assembly in joint meeting, and shall hold his office for the like time, and have the like powers and authority as the other special police justices in and for said city.

Common Council to take proceedings for organizing the ward and the conducting of elections.

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

Elections, how conducted.

9. *And be it enacted*, That for all the purposes of the election on Tuesday, next after the first Monday in November, one thousand eight hundred and seventy-one, for members of the General Assembly and other officers to be chosen at said elections, the said ward hereby created is declared to be constituted, and to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place and be conducted by the same officers in the said ward as shall be appointed by the common council for the ward election, to be holden on the second Tuesday in October next; and the officers of election of said ward (unless disqualified by law, or refusing or

neglecting to serve, in which case any vacancy or vacancies may be filled according to law) shall perform all the duties which devolve upon them respectively, in like manner as the officers of election of the other wards of the city of Newark are required by law to do.

Approved March 22, 1871.

CHAPTER CCXCV.

An Act to enable the Second First-day Baptist Church and Congregation of Plainfield, to mortgage and convey property.

Preamble.

WHEREAS, on the thirtieth day of September, anno domini one thousand eight hundred and forty-two, George Wells and Mary, his wife, conveyed to John Runyon, Abraham Runyon, Ephraim Drake, Ansel Dennison, Peter F. Randolph, Isaac G. Manning and Jeptha Clawson, trustees of the Second First-day Baptist church and congregation in Plainfield, in the county of Essex, a certain tract of land and premises, particularly described in the deed of conveyance therefor duly recorded in Book W 5, of Deeds, for said county of Essex, on pages 561, &c.; AND WHEREAS, on the fifth day of January, anno domini one thousand eight hundred and forty-three, Ephraim Drake and Sarah, his wife, conveyed to said John Runyon and others, trustees as aforesaid, a certain tract of land and premises, partilarly described in the deed of conveyance therefor, duly recorded in said book on pages 557, &c.; AND WHEREAS, on the tenth day of January, anno domini one thousand eight hundred and forty-three, Alfred Berry and Ann, his wife, and Alexander Dunham and Elizabeth A., his wife, conveyed to said John Runyon and others, trustees as aforesaid, a certain tract of land and premises, particularly described in the deed of conveyance therefor, duly recorded in said book on pages 559, &c.; AND WHEREAS, on the thirtieth day of January, anno domini one thousand eight hundred and fifty-four, George W.

Dewey and Sarah W., his wife, conveyed to Isaac G. Manning and others, trustees as aforesaid, a certain tract of land and premises, particularly described in the deed of conveyance therefor, which said deed has not yet been recorded; which said several tracts of land and premises were conveyed to and held by said trustees for the use and benefit of said church and congregation; AND WHEREAS, it may be desirable for said church and congregation to mortgage or sell and convey said premises; AND WHEREAS, in consequence of the death of several of said trustees, doubts have arisen as to the ability of said church and congregation to make a valid title to said premises in case they wish to dispose of the same; therefore,

Trustees empowered to sell and convey real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Second First-day Baptist church and congregation of Plainfield, be, and they are hereby authorized and empowered to sell and convey the said lands and premises now owned by them, and conveyed to them as above recited, or any part thereof, to such person or persons and for such consideration as they may deem proper, and to execute and deliver to the purchaser or purchasers thereof, under their common seal, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in the said purchaser or purchasers a good and valid title in fee simple to said premises; and they are also hereby authorized and empowered to mortgage said premises, or any part thereof, when in the opinion of the board of trustees of said church and congregation it is desirable so to do.

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

Approved March 22, 1871.

CHAPTER CCXCVI.

An Act to incorporate the Warren Mineral Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Shields, John C. Miller, John B. Fisher, William Vliet, George W. Johnson, Morris Wade, David Shields, George Roe, Robert Martin, John S. Labar, Samuel D. Stewart, William Dellicker, Isaac W. Crane, Caleb H. Valentine and John White, and such other persons as shall be hereafter associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of "The Warren Mineral Railroad Company." Corporators. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be considered and deemed personal property, and transferable in such manner as the by-laws of said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions of the capital stock of said corporation, at such times and places as they or a majority of them may think proper, giving notice thereof for at least ten days prior to the opening of said books, by publishing the same in the Hackettstown Gazette, or some other newspaper published in the town of Hackettstown. Subscription books to be opened.

4. *And be it enacted*, That at the times of subscription for said stock, the sum of five dollars shall be paid on each share subscribed for to the said commissioners above named, and when one hundred shares of the capital stock shall have been subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this State; the election shall be held in this State, and by such of the Instalment to be paid. Election of directors.

stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the said above named corporators, or any two of them, who shall attend for that purpose, shall be inspectors of such election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected as such, and shall deliver over to them the subscription books and money paid in, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this State; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their number a president, who shall be a resident of this State; and in case of the death, resignation or removal of the president or any director,

Vacancies, how filled.

such vacancy or vacancies may be filled for the remainder of the year by the said board of directors, or a majority of them, at any meeting of said board, duly called for that purpose, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said corporation may provide.

Failure to elect not to dissolve.

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

Failure to pay instalments to work a forfeiture

6. *And be it enacted*, That four directors of the said corporation shall be competent to transact all business thereof; and they shall have power to call in the remainder of the capital stock by instalments not to exceed fifteen

Proviso.

dollars on each share; *provided*, that no two instalments shall be demanded within thirty days of each other, and in case of the non-payment of said instalments, or of any one of them, it shall forfeit the share or shares upon which such default shall arise.

7. *And be it enacted*, That the president and directors of said corporation shall be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point within three miles of the town of Beattystown, in the county of Warren, and extend as far as may be necessary to form a suitable connection with the Morris and Essex railroad and Morris canal at convenient and accessible points on the same by convenient route or routes, and of constructing such spurs or branch roads as may be necessary for the making of such connections or any of them, and to afford access to adjacent mines in the county of Morris within five miles of the town of Beattystown, subject to the restrictions herein contained; and it shall be lawful for said company to lay out and locate said railroad and spurs or branches authorized sixty feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate land necessary for such purposes in the manner and form of making payment therefor as is hereinafter provided; and for the purpose of cutting embankments and the procuring of gravel and stone, may, in the manner, form and upon the terms and conditions hereinafter prescribed, take as much more land as may be necessary for the proper construction and security of the road; and said company are invested with all powers necessary to survey, lay out and construct and maintain said road and spurs and branches; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands and waters for the purpose of exploring, leveling, surveying and laying out a practicable route for such railroad and spurs or branches, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road, or the branches or spurs, or either or any portion thereof, shall have been settled and determined upon, then it shall be lawful for said company, by its officers, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all necessary works thereon, and to lay rails and do all other things which may be necessary for the completion and repairs of such railroad and branches, and to carry into full effect the object of this act, when and so soon as said corporation shall have ob-

May survey, lay out and construct a railroad.

May enter on lands, &c.

tained the right and title to the lands or the use of the same upon and over which said railroad is located and laid out, and subject to such compensation, provisions and regulation, and upon such terms as are hereinafter provided for.

Proceedings when no agreement can be made between company and owners of land.

8. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of any such required lands for the use or purchase thereof, or in case the owner or owners of any such required lands shall neglect or refuse to accept the offer of the said company, to submit to arbitration by three residents and freeholders of said county in which said lands lie, of the value of and damages to the said required lands by the location and construction of the said railroad over the same, one arbitrator to be named by the owner or owners of the said lands, one by the said company, and the two thus chosen to select the third, the decision of a majority of whom shall be conclusive and binding upon both parties; or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of said company in the construction of the said road, and impossible to be obtained by the means or by reasons of the disabilities aforesaid, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the person or persons interested, if known and in this State, or if unknown or out of this State, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county in which the lands lie, commissioners to examine and appraise the said lands and assess the price or value of the same, and damages sustained by the owners thereof, arising from the removal, making and maintaining the fencing on the line of said railroad, through any lands over which the same may run, upon such notice, not less than ten days to be given to the persons interested, or to be published as aforesaid, as

shall be directed by the judge making the appointment of commissioners, and it shall be the duty of said commissioners, have first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of the damages thereto, which shall be paid by the company for such land and damages aforesaid; which report shall be made in writing, under the hands and seals of said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations in the clerk's office of said counties in which said lands lie, to remain on record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages assessed or found, with the costs adjudged being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such fees, costs and expenses to the justices, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and just, and order the same to be paid by said company; *provided always*, that if the owner or owners of the said land shall elect not to receive the sum awarded by the commissioners for the damages arising from the removal, making and maintaining the fencing as aforesaid, and shall notify the company thereof in writing within ten days after said award, the company shall retain the said sum, and themselves make, remove and forever thereafter maintain said fencing. Proviso.

9. *And be it enacted*, That in case the said company, or the owner or owners of the land and materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have power upon good cause being Proceedings in case of appeal.

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 in which the said lands lie, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained as aforesaid, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of said sum found by said jury or execution awarded therefor, as said 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, or residing out of this State, the same being first paid into the court of chancery.

Bridges to be constructed and kept in repair.

10. *And be it enacted*, That it shall be the duty of the said company, in order to avoid cutting the adjacent farms, to lay their tracks along the side of the public roads, or along the lines of division between real estate owners, so far as the directors shall deem the same practicable, and construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road or other road now in use or hereafter shall cross the same, so that the passage of carriages, horses and cattle on the said roads shall not be impeded thereby, and good and sufficient fences along the said railroad, where the said company assume or are by the provisions of this act compelled to maintain the same; and also where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the same; *and further*, that for all injuries and damages to the property, real or personal, of

any person, occasioned by or through the neglect, carelessness, intent or act of the said company, their agents, employees or property, the said company shall become and be responsible therefor, and liable to pay the same, to be recovered in any court of record of competent jurisdiction in this State. Corporation liable for all damages to property.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place and run on said railroads all machinery, cars, wagons, carriages for the transportation of any kind of property, that they may deem expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of every species of property whatsoever thereon, as they from time to time shall think reasonable and proper, not exceeding six cents per ton per mile on so much of any description of freight as shall pass over the said road; and the said railroad and its appendages and land over which the same shall pass, and all the works and improvements, and all property whatsoever belonging to the company are hereby vested in the said company and their successors, for and during the continuance of the charter. May purchase equipments, &c. Rates of fare.

12. *And be it enacted*, That the said company may purchase, hold, and occupy such real estate, at or near the commencement and termination of said road, or any where along the same, as they may deem necessary for the convenient transaction of the business of said company, and may erect and build thereon warehouses, deposits, turnouts, and such other buildings and improvements as may be necessary for the safety of their property, and the transaction of their business. May purchase and hold real estate.

13. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any building, machinery or works of said corporation, such person or persons shall forfeit and pay therefor to the corporation the sum of fifty dollars in addition to double the amount of damages sustained by means of such injury, to be recovered in the name of the corporation, with costs of the suit in any court having cognizance of the same. Penalty for injuring works.

14. *And be it enacted*, That as soon as said railroad or any part of it is in operation, the president of the said company shall file, under oath or affirmation, a statement of the Statement of costs and expenses to be made and filed.

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

State tax.

Proviso.

May acquire the right and title to lands.

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

May make contracts, &c., with other corporations.

16. *And be it enacted*, That it shall be lawful for the said company to make contracts and engagements with any other corporation, or with individuals, for transporting and conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

May issue bonds, and for securing their payment to mortgage the railroad.

17. *And be it enacted*, That the said company shall have the power, and they are hereby authorized, to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and

all the appurtenances, franchises, powers, privileges and rights belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, not exceeding at any one time two-thirds of the paid up capital of said company, and to sell or negotiate the same at such rate of discount as they may deem best for the interest of the company, without invalidation thereof, by virtue of any statute of this State, and the said bonds and mortgages so sold or negotiated, shall be valid and binding in law and in equity, and the purchaser or purchasers, under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers, privileges which are or may be conferred upon or possessed by the said company, under or by virtue of their act of incorporation, and the several supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

18. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature, and shall take effect immediately.

Approved March 22, 1871.

CHAPTER CCXCVII.

Supplement to an act entitled "An act to authorize the President and Directors of the Hackettstown Aqueduct Company to convey their works and franchises to the Inhabitants of the town of Hackettstown, and to provide for the management of said works," approved March seventeenth, one thousand eight hundred and seventy.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of said town of Hackettstown shall have the right and privilege of issuing water bonds of said town, under the restrictions and limitations contained in the act to which this is a supplement, to the amount of forty thousand dollars. Common council may issue bonds.

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

May enter on lands, &c.

commissioners of the town of Hackettstown to enter upon any lands or real estate of any person or persons for the purpose of digging up, repairing or removing any water pipe that may have been laid down or across the lands or real estate of such person or persons.

Proceedings in case of taking lands.

3. *And be it enacted*, That whenever any lands or real estate which are necessary for the purposes contemplated in the act to which this is a supplement shall be owned by any lunatic, idiot or minor, it shall be lawful for the water commissioners of said town, after thirty days' notice to the committee, guardian or parent of such lunatic, idiot or minor, to apply to any judge of the court of common pleas of the county in which such land or real estate is situate, for the appointment of three disinterested commissioners to make an estimate and assessment of the damage that any such owner or owners may sustain by taking and appropriating, in the manner now allowed by said act, the said land and real estate.

Payment of title, how vested.

4. *And be it enacted*, That the town treasurer shall, under the direction of the common council, tender and pay into the orphans' court of the county where such real estate shall be situate, the amount of the award of the said commissioners for the use of said lunatic, idiot or minor, and upon such payment the title to the said real estate shall vest in "The Inhabitants of the town of Hackettstown" for the uses and purposes contemplated in the act to which this is a supplement.

Repealer.

5. *And be it enacted*, That all acts and parts of acts, inconsistent with this act, shall be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1871.

CHAPTER CCXCVIII.

An An to incorporate the Odd Fellows' Hall Association, of Washington, in the county of Warren, and State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Cole, William M. Stires, Joseph C. Felver, William Tietsworth and Joseph A. Shrope, and all persons who now are or hereafter may be associated with them, be, and they are hereby incorporated and made a body corporate in fact and in law by the name, style and title of the "Odd Fellows' Hall Association, of Washington, in the county of Warren, and State of New Jersey," and by that name shall have perpetual succession and be able to sue and be sued, plead and be impleaded, and have power to collect any debts now due and owing, or which may become due and owing to said association in any court of law or equity in this State, and shall be able and capable in both law and equity to take, receive and hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings in the borough of Washington, in the county of Warren, and for the transaction of such business as may relate to the erecting, building, conducting, leasing, or otherwise managing, directing or disposing of any such building or buildings as are now or may hereafter be erected on any such lands; and also to take and hold any goods, chattels, sum or sums of money and stocks which may be required for the purposes of said association by gift, grant, bargain, sale, will or bequest, from any person or persons capable of making the same, and to grant, bargain, sell, convey for the use of the said association, and generally to do all and singular such matters and things as may be necessary for the well-being and proper management of the affairs and business of said association, not contrary to the laws of this State or of the United States; Corporators. Corporate name. Powers.

Proviso. *provided*, that the value of the real and personal estate held by the said association shall at no time exceed the sum of thirty thousand dollars.

Election and powers of directors. 2. *And be it enacted*, That the government of the said association, the management and disposition of its stock, property and concerns, shall be vested in seven directors, to be chosen by the stockholders at their first meeting, who shall be elected to serve for one year, and annually thereafter, and if a vacancy shall occur from any cause, a majority of the remaining directors may fill such vacancy from among the stockholders of said association; *provided further*, that the directors shall choose from among their own number a president, a secretary, and a treasurer, who shall severally hold their offices for the term of one year and until the election of their successors; *and, provided further*, that the directors shall keep, or cause to be kept, proper books of account, in which shall be kept a record of all the business transactions of the association; they shall also have a common seal, and make and enforce such by-laws for the government of the business of the association as they may deem necessary.

Proviso.

Proviso.

Election of directors. 3. *And be it enacted*, That the first election of directors, under this act, shall be held on the first Saturday in June, next, and annually thereafter at such hour and place in the borough of Washington as may be directed by the by-laws of the said association; *provided*, that at least five days' notice of such election shall be given in one newspaper published in the said county of Warren.

Proviso.

May borrow money. 4. *And be it enacted*, That the said association may borrow, on bond and mortgage or otherwise, any sums of money not exceeding ten thousand dollars and may mortgage any property they may own to secure the payment of the money so borrowed.

May sell and convey real estate. 5. *And be it enacted*, That the said association may order the directors to sell and convey any part of their lands and real estate when they shall desire so to do.

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

Approved March 22, 1871.

CHAPTER CCXCIX.

An Act to authorize the Construction of Narrow Gauge Railways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Bell, A. W. Jones, Courtlandt Parker, Nicholas Murry, Phineas C. Wright, George E. Brown, William G. Thomas, and such others as may hereafter be associated with them, their successors and assigns, are hereby incorporated a body corporate and politic, by the name and style of "Narrow Gauge Railway Company." Corporators. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same, from time to time, to an amount not to exceed two hundred and fifty thousand dollars, the same to be divided in shares of one hundred dollars each; and the above named incorporators, or a majority thereof, are hereby authorized and created a commission to receive subscriptions for such capital stock, and they shall open books for such purpose, at some point to be hereafter designated, having first given notice, by advertisement published for twenty days in the "Middlesex County Democrat," of the time and place of receiving said subscriptions; and that the sum of ten per centum shall be paid on each share at the time of subscribing, and the residue in instalments as called for by the company from time to time; and upon notice being given for the payment of such instalments, and the failure to pay thereof, the directors may, for such non-payment, forfeit such stock and all moneys paid thereon. Amount of capital stock. Notice to be given of time and place of receiving subscriptions.

3. *And be it enacted*, That as soon as ten thousand dollars of said capital stock are subscribed for, and ten per centum paid thereon, said company may commence business, and the above named incorporators shall constitute the first board of directors of said company, and shall hold their office for and during the term of one year from the date of organization, and until their successors are duly elected and qualified, as hereinafter provided; and on the second Tues- May commence business.

day of January thereafter, and on each succeeding second Tuesday in said month, the stockholders in said company shall meet at such time and place as the president, by notice, shall direct, for the purpose of electing a board of directors, and in case of the failure of the president to give such notice, a majority of the stockholders may call said meeting; and in case no election is held on the day provided, said election may be held on any day thereafter designated by said president or said stockholders; and at each of said meetings the stockholders shall elect from among their number seven directors, who shall constitute the board of directors of said company, and shall hold their office for one year and until their successors are duly elected and qualified; and at all such and other elections, each share shall represent one vote, and may be given by the holder thereof or by proxy.

Election of directors.

Powers of directors.

4. *And be it enacted*, That said directors shall manage and control all the business and affairs of said company; shall choose a president out of their own number, and may appoint a secretary and such other officers as their by-laws may direct; and said directors, or a majority thereof, shall have power to fill any vacancies in their number.

May survey, lay out and construct road.

5. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, and they are hereby authorized, with all necessary rights, privileges and powers, to survey, lay out and construct, and operate, one or more narrow gauge railways, with single, double, or any number of tracks, the rails of which shall not be laid at a greater distance apart than three feet six inches, running from any factories, mines, clay or marl pits that may belong to said company, or contracted for by them, and thence to the tide-waters of the Arthur Kull or Staten Island Sound, or running to a connection with the New Jersey Railroad and Transportation Company, or the Central Railroad of New Jersey, or any other railroad now constructed, or hereafter to be constructed, with the right to construct and operate one or more branches; *provided*, that the land taken for said railways shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slopes and protection of the banks of said railways, in which case so much land as may be necessary for that purpose, and no more, shall be taken;

Proviso.

and provided further, that it shall not be lawful for any railway hereby authorized, to cross the Raritan river by bridge or otherwise; *provided further*, that no part of the railroads or tracks authorized by this act shall be built in the counties of Monmouth, Ocean or Burlington. Proviso. Proviso.

6. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, their engineers, superintendents, agents, or others in their employ, to enter upon, at any time, all lands and waters, for the purpose of surveying, exploring, levelling and laying out the said routes of the said railways, and of locating the same, to erect all necessary works, buildings and appendages thereto or thereof, doing no unnecessary damage to private or other property. May enter on lands and waters, &c.

7. *And be it enacted*, That when the routes of said railways shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents and engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any 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 repairing of the said road, subject to such compensation as hereinafter provided; *provided always*, that the payment, or tender of payment, of all damages for the occupancy of lands through which said railways may be laid out, shall be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said railways, unless the consent of the owner or owners of such lands be first had and obtained. When survey of route filed, may enter upon and take possession of lands. Proviso.

8. *And be it enacted*, That when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said railways, 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, Proceedings in case no agreement can be made with the owners of property.

and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause the said company to give notice thereof to the persons interested, if known and in this State, or if unknown and out of this State, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the counties in which such land is located, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of 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 to proceed to review or examine the said land or materials, and to make a just and equitable estimate and appraisement of the value of the same, and assessment of damages, as shall be paid by the company for such land or materials and damages aforesaid; which report shall be in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the supreme court of the State of New Jersey, 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 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 said 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; the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of the land or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of the county in which the land or materials aforesaid may be, at the next term thereafter. Proviso.

Proceedings in case of appeal.

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

pany enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railway, or of making any erection or improvement whatever, or otherwise appropriate said land 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 to the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the said party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the State, or under any legal disability, then the payment of the amount assessed or found as aforesaid, in the circuit court of the county wherein the said lands lie shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same, without being barred thereby from his, her or their appeal from the report of the commissioners.

Bridges to be constructed and kept in repair.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over and under the said railways, where any public or other road, now or hereafter laid out, shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby; and also, where the said railways shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the said railways; and shall also construct and maintain suitable and proper cattle-guards at all railway crossings; and said company shall have the power to cross any railroads on a like grade thereof, or may cross said roads by bridging over or tunneling under the same, doing no damage thereto or impeding the travel thereof; and shall have the power to construct bridges across any navigable rivers or other waters, providing, in case of navigable rivers or other waters, suitable draws to said bridges, so as not to impede the navigation of said rivers or other waters.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machinery, engines, wagons, carriages or cars for transportation of persons or any species of property on the said railways or any railroad connected therewith; *provided*, that they shall not charge over four cents per mile for carrying each passenger; but no charges shall be required in the aggregate to be less than ten cents, nor shall the company charge more than six cents per mile per ton for transportation of any description of property; and the said company shall have the power to purchase, lease, acquire, hold, convey and transfer all such real estate, and may erect thereon all such buildings, structures and improvements of every kind as said company may deem necessary and proper, and may use the same and all profits and emoluments therefrom; and the board of directors of said company shall have the power to declare and pay all such dividends as may accrue to the stockholders from time to time, out of the earnings of the company; and the said railroad, with the appendages and the lands over which the same shall pass, and all the works and improvements, and all other real estate and property whatsoever belonging to the company, are hereby vested in said company and their successors, for and during the continuance of their charter.

May purchase equipments, &c.

Proviso.

Rates of fare

12. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting and conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contract; *provided*, the said company shall not be allowed to charge more than three cents per ton per mile on coal.

May contract with any other corporation.

Proviso.

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

Penalty for injuring works.

14. *And be it enacted*, That as soon as the said railways,

Statement of costs and expenses to be made and filed.

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

May borrow money and issue bonds.

15. *And be it enacted*, That the said Narrow Gauge Railway Company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair their road and furnish all necessary engines and machinery for the use and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgages on the said road, lands, privileges, franchises and appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof; *and, provided further*, that said bonds shall constitute a first and second lien on the said railways, its cars, real estate and franchises, as stipulated in the bonds; and to dispose of said bonds for the purpose of aiding in the construction of said railways,

Proviso.

Proviso.

at the rate of not less than ninety per centum of their par value, and redeemable in thirty years after date.

16. *And be it enacted*, That if one of the said railways shall not be commenced within three years, and be completed within seven years, from the fourth day of July next ensuing, that then and in that case this act shall be void. Limitation.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this State, whilst traveling for the purpose of discharging their official duties, and the members and officers of both houses of the Legislature, and state superintendent of the schools, during the year for which they were elected, shall pass and repass upon the railways of the company in their cars, free of charge. Free passes.

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

Approved March 22, 1871.

CHAPTER CCC.

An Act to incorporate the Schooley's Mountain Mineral Railroad.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following persons, namely: William W. Marsh, Holaway W. Hunt, Jesse M. Sharp, Henry Seward, David A. Crowell, William P. Condit, Joseph Heath, L. I. Stoutenburgh, John N. Sharp, Philip G. Stevens, S. V. Fishers, William Hann, Jr., Richard Stevens, and their associates shall be, and they are hereby constituted a body politic and corporate, by the name of "The Schooley's Mountain Mineral Railroad," and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or in equity, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of and holding or conveying any real or personal estate, shall have perpetual suc- Corporators. Corporate name.

Powers.

cession, and may also have a common seal, and alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Amount of capital stock.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners or a majority of them, two days in succession, the first day at Schooley's Mountain, and the second day at Stanhope, and shall be kept open from ten o'clock in the morning to four o'clock in the afternoon, of each day, and twenty days' notice shall be given by the said commissioners at such times and places in two of the newspapers printed in Morris and Warren counties, and if the said capital stock shall not all be subscribed at the time and place for which the meeting is first called, then said commissioners shall have power to call such other meetings as they may deem necessary to obtain subscriptions for said stock, upon giving notice of the time and place for holding such meetings, in the same way and manner hereby required for holding the first meetings for subscriptions for said capital stock; and at the time of subscribing for said stock five dollars shall be paid upon each share subscribed for to the commissioners or some one of them, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places and to such persons as the president and directors, or a majority of them shall, from time to time, direct, by giving twenty days' notice thereof in the manner required in giving notice for the subscription of the capital stock, and upon failure of payment thereof as so directed, the said president and directors shall have power, when the full board is present, 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 the said company.

Failure to pay instalments to work a forfeiture

4. *And be it enacted*, That when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same be necessary, it shall be

the duty of the aforesaid commissioners, or a majority of them, to give like notice as the above to choose nine directors, and such election shall be made at the time and place appointed by the stockholders that are present, either in person or by lawful proxy, each share entitling the holder thereof to one vote; and the said commissioners, or any three of them, appointed for that purpose, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to said directors, and all the moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of the subscription and other necessary expenses; and that annually thereafter upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, and the time and place of holding the first meeting of directors shall be fixed by the inspectors of the election aforesaid; the first directors and those chosen annually thereafter, or those that may be chosen to fill vacancies shall, before they enter upon the duty of their office, subscribe upon their oath or affirmation to faithfully, honestly and impartially execute the trust reposed in them as directors of said company, and they shall as soon as may be after the election, choose out of their number a president, and in case of the death, resignation or removal of the president or any of the directors, such vacancy or vacancies may be filled for the remainder of the year by the board of directors, or a majority of them, and in case of the absence of the president, the board, or a majority of them, may appoint a president pro tempore.

Commissioners to give notice for election of directors.

Directors to take oath.

Vacancies, how filled.

5. *And be it enacted*, That five of the directors shall constitute a quorum, competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of the said corporation by such instalments not exceeding ten dollars on each share at any one time; *provided*, that no two instalments shall be demanded within twenty days of each other, and in the case of the non-payment of the instalments, or any one of them, to forfeit the share or shares upon which such instalments shall arise; the said directors may make and prescribe such by-laws, rules and regulations as to them shall appear necessary for the proper management of the stock, property,

Powers and duties of directors.

Proviso.

estate, effects, and all the interest of the said corporation; and shall have power to appoint a secretary, treasurer, engineers, superintendents, and all such agents, officers and servants as may seem to be necessary to transact the business of the corporation, and they shall require from the treasurer such security as they may deem sufficient for the faithful and honest performance of his trust.

May survey, lay out and construct a road.

6. *And be it enacted*, That the said president and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to survey, lay out and construct a railroad not exceeding one hundred feet in width, with as many sets of tracks as they may deem necessary, from some convenient point at or near Stanhope, in Morris county, New Jersey, to some convenient point at or near the Heath House, on Schooley's Mountain, Morris county, with the privilege of forming a connection with the Morris and Essex railroad and Morris canal, at or near Stanhope, as aforesaid, and the privilege to construct such spurs or branch roads as may be necessary for the making of such connection, or any of them, and to afford access to mines or mineral deposits, or to such points as the directors may deem expedient for the best interest of the company;

Proviso.

provided, that no such spurs or branch roads shall exceed the distance of four miles from the commencement or terminus of said railroad, or from any point along the same; and the said company by their officers, agents, servants and others in their employ may enter upon, take possession of, and use and excavate or level any land which may be needed for the site of said road and the spurs and branches thereof; but all lands and real estate thus entered upon which are not donations shall be purchased by the said corporation of the owner or owners thereof, at the price to be mutually agreed upon by and between the parties, and in case of a disagreement as to the price, it shall be the duty of either of the justices of the supreme court, upon notice to be given him by the said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested commissioners from the county in which the lands lie to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said corporation; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain

Proceedings in case no agreement can be made with owners of property.

by the said road, arising from the removing, altering, making and maintaining the fencing on the line of the route of said road, through any improved lands over which the same may run; and it shall be the duty of the said commissioners, after having taken an oath or affirmation, faithfully and impartially to discharge the trust reposed in them, to deliver to the said corporation a written statement required by them, or a majority of them, of the awards they shall make containing a description of the lands or real estate appraised, together with the amount of the assessment for making and maintaining the fencing, to be recorded by the said corporation in the office of the clerk of the county where such lands are situated, and upon payment or lawful tender of such compensation, as aforesaid, to the said owner or owners, then the said corporation shall be deemed seized and possessed, in fee simple, of all such land or real estate; and in case any owner or owners of such land or real estate so appraised shall be feme covert, under age, non compos mentis, or out of the State, then in such cases the said corporation shall pay the amount which has been awarded as due to the last mentioned owner or owners, into the court of chancery, to the clerk thereof, subject to the order of the said court for the use of the owner or owners thereof; *provided always*, that should the owners of any real estate, land or material feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas, in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of such court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be received than that awarded by the commissioners; *and provided also*, that in case the said company, after the said railroad is completed, shall abandon said road, or cease to use and keep the same in repair at any time, for ten 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 revert to the person or persons from whom the lands were taken by donation or purchase as aforesaid, their heirs or assigns.

Proviso.

Proviso.

7. *And be it enacted*, That the said corporation may build bridges, fix scales and weights, raise embankments or make any other works necessary for the construction, use or enjoy-

May enter on lands and take and use all materials.

ment of said railroad, and may also enter upon said road and take possession of and use any materials necessary therefor; and if the corporation and the owner or owners of such material do not agree as to the price of the same, it shall be determined and settled in the manner heretofore provided for in the case of real estate or land, and in case of any damage done to the lands, or other property contiguous, by workmen, agents or officers, or by any teams or machinery in the employ of the said corporation, either in the construction, repairing or maintaining said railroad, the damages shall be determined in like manner by commissioners appointed as aforesaid.

May purchase equipments, &c.

8. *And be it enacted*, That the president and directors of the company shall have power to have constructed, or to purchase with the funds of the company, and to place and run on said railroad, all machinery, engines, cars, wagons, carriages, and use steam or horse power for the transportation of passengers or of any species of property, as they may think expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for such transportation as they shall deem reasonable and right, not

Rates of fare.

exceeding fifteen cents per ton per mile; and the said railroad and the land over which it passes, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in said company and their successors for and during the continuance of the charter; and the said company may hold and occupy such real estate at the commencement, at the termination or along said road as shall be necessary for to carry on the work of the said corporation, and build such depots, warehouses and other buildings as the interests of the company may demand.

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

9. *And be it enacted*, That the said company be and are hereby authorized to borrow money, if necessary for the construction of their road, and secure the payment thereof by bonds or by mortgages on the property, real or personal belonging to the said company; and that it shall be lawful for the said company to form connections or junctions of their road with any other road now constructed upon such terms and conditions as may be agreed upon by said company.

Statement of the costs and expenses to be filed.

10. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file, under oath, or affirmation a statement of the

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

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

Approved March 22, 1871.

CHAPTER CCCI.

An Act to incorporate the Merchants' and Manufacturers' Bank, of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry W. Duryee, George A. Clark, William A. Whitehead, John Rutherford, Eliphalet C. Smith, Charles Joy, Joseph J. Meeker, John P. Wake- Corporators.

man, Caleb G. Crane, Marcus Sayre, J. Cutler Fuller, William Allen, Harrison Whittingham, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The Merchants' and Manufacturers' Bank, of Newark," and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealing, or shall be purchased upon judgment or execution, for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Corporate name and powers.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, with liberty to increase it to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and that Henry W. Duryee, George A. Clark, William A. Whitehead, John Rutherford, Eliphalet C. Smith, Charles Joy, Joseph J. Meeker, John P. Wakeman, Caleb G. Crane, Marcus Sayre, J. Cutler Fuller, William Allen, Harrison Whittingham, and their associates, or a majority of them, shall be and they are hereby appointed commissioners to open at Newark books of subscription for, and to receive subscriptions to said capital stock, giving at least fourteen days' notice in one or more of the newspapers printed in the city of Newark, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that upon the first day of the opening of said books, and at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Commissioners to receive subscriptions.

Directors, officers, &c.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than nine, nor more than fifteen directors, five of whom shall be a quorum for

the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of the said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year, and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of January, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by an advertisement in one or more of the newspapers printed in the city of Newark; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her or their own name or names for at least one calendar month next before the election; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of the votes, the eligibility of persons voted for and who shall be elected, and in case of an equality of votes between two or more persons voted for whereby a failure to elect a full board occurs, the said judges, or a majority of them, shall select from those not elected and having the highest number of votes, as many as may be required to make up the full number of directors; and the directors so elected or chosen, shall, at the first meeting thereafter, when a quorum shall be present, elect one of their number president, as well of their board as of said corporation, and whenever a vacancy shall occur in said board of directors by death, resignation or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Failure to elect directors not to dissolve.

Election of directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the city of Newark, to elect the first board of directors, by giving at least fourteen days' notice of the time and place of said meeting, by advertisement in one or more of the newspapers printed in the city of Newark, and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election as near as may be in the manner hereinbefore prescribed for said annual elections, the subscribers attending said meeting in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them, and the said first board of directors shall, as soon as may be conveniently after said election, organize by electing a president in the manner hereinbefore prescribed for an election of a president, and also a cashier, and after the said board shall have been thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscription to said capital stock, deducting therefrom only the necesssary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be full and absolute acquittance and discharge therefor, and the said first board of directors shall have power to fill vacancies therein by death, resignation or otherwise, and shall hold their offices until the second Tuesday in January, in the year one thousand eight hundred and seventy-two, and until their successors shall be chosen.

May call in amount subscribed under penalty of forfeiture.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions in this State are liable to, and the real estate of such corporation may be taxed as other lands of banks in this State are or may be taxed, and that the board of directors, for the time being, shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made

and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payment of any instalments for non-payment, whereof said forfeiture is declared, shall be given by advertisement in one or more of the newspapers printed in the city of Newark; *and provided*, that said forfeiture shall not relieve subscribers of any liability on their subscriptions. Proviso. Proviso.

6. *And be it enacted*, That the cashier shall be appointed by the board of directors; he shall be subject to removal at the pleasure of the board; and he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank. Cashier.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation shall be deemed and taken to be payable and demandable at the banking house of said corporation. All bills and notes issued binding on the corporation.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation, to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock. Semi-annual dividends.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation, shall not exceed the legal rate of interest in this State for the time being; *provided*, that nothing herein contained shall be construed to Rates of discount. Proviso.

prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

No transfer of stock made by persons indebted to corporation.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person or persons, or any of them transferring, shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors, and the certificate or certificates of such stock delivered up to be cancelled.

Refusal to redeem to debar banking operations.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid.

Assets first liable for payment of bills in case of failure.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent, shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof, and in case of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holder of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

All directors to be residents of this State, and liable for circulation.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this State, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office, to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable, the same as if no such resignation had been attempted; and such liability of directors shall continue after they have ceased to be directors, either by resignation

or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on, taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Shall not resign office to avoid liability.

Proviso.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of said notes and bills, then the amount that shall or may be realized from said assets and property shall be distributed equally among the holders of the said bills and notes.

Distribution of assets.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills and notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said incorporation became insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Stockholders liable to receiver for amount sufficient to redeem circulation.

Proviso

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit in, under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names

Actions at law.

Proviso.

of the president and cashier subscribed to the bills or notes declared on, and the number and denominations thereof.

Amount of bills issued.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year, nor more than five years, in the discretion of the court.

Annual statement published.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of January, in each year, after commencing the business of banking, to publish in one or more of the newspapers published in the city of Newark, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statement now required by law; and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director, shall knowingly and wilfully and falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Not to commence business or issue bills or notes until affidavit is filed of amount of stock.

19. *And be it enacted*, That it shall not be lawful for said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state, stating that one hundred thousand dollars of the capital stock of said corporation have been subscribed for and paid in, conformably to the provisions of this act.

Limitation.

20. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately and continue in force for twenty years; but it shall be lawful for the Legislature at any time hereafter to alter, modify or repeal the same whenever, in their opinion, the public good shall require it.

Approved March 22, 1871.

CHAPTER CCCII.

A Supplement to an act entitled "An Act to amend an act entitled 'An act to incorporate the Cumberland and Atlantic Railroad Company,'" approved April fourth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said May's Landing and Western Railroad Company is hereby authorized to build its railroad from its present terminus at or near May's Landing, in the county of Atlantic, to some point on the Camden and Atlantic Railroad, at or near Egg Harbor city, or in the township of Galloway, in said county. Authorized to extend road.

2. *And be it enacted*, That the time and place of opening the books to receive subscriptions to the capital stock of said corporation shall be fixed by a majority of the corporators, and if they fail so to do, then by any two or more of them; and said commissioners, or any two of them, shall be inspectors of the first election of directors of the said corporation. Commissioners to receive subscriptions.

3. *And be it enacted*, That the board of directors shall have power, and they are hereby authorized to increase the capital stock of said corporation, from time to time, as they may deem necessary, to an amount not exceeding five hundred thousand dollars; and the said company is hereby authorized to issue its capital stock in payment for work done and materials furnished, upon the railroad of said company; *provided*, the party doing said work, or furnishing said material agrees to take said stock in payment therefor. Directors to increase capital stock. Proviso.

4. *And be it enacted*, That the time for commencing the work on said railroad is hereby extended for five years from the fourth day of July, eighteen hundred and seventy-one. Time of commencing road extended.

5. *And be it enacted*, That all acts and parts of acts relating to said corporation, inconsistent with this act, are hereby repealed, so far as is necessary to give full force and effect to all the provisions of this act. Repealer.

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

Approved March 22, 1871.

CHAPTER CCCIII.

A Supplement to an act entitled "An act to authorize the township committee of the township of Dover, in the county of Ocean, to open, work, grade and repair the public roads, streets, avenues and sidewalks in said township," approved April seventeenth, one thousand eight hundred and sixty-eight.

Preamble.

WHEREAS, the township committee of the township of Dover, in the county of Ocean, acting under and by virtue of said act, did erect in said township over Toms River, sidewalk bridges alongside of certain county bridges over said river, intended as sidewalks for foot passengers, continuing the streets of said township; therefor,

Committee to erect and maintain sidewalk bridges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said sidewalk bridges erected by said township committee, shall be deemed and taken in all courts and places to have been erected under and by virtue of lawful authority, and that the same were lawful and sufficient structures, and that said township committee were intended to have and had lawful right, by virtue of said act, to erect or cause the same to be erected, and that said township committee have the right hereafter, by virtue of said act, to erect and maintain such other sidewalk bridges continuing the sidewalks of said town, as they in their discretion may deem necessary.

Repealer.

2. *And be it enacted*, That all acts and portions of acts inconsistent with this supplement, or with the power as aforesaid, intended to be conveyed by said act to which this is a supplement, be and the same are hereby repealed.

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

Approved March 22, 1871.

CHAPTER CCCV.

An Act to incorporate the Protection Benevolent Association, of the city of Newark, Essex county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Patrick McTague, John Pardue, James Fitzsimmons, Thomas Murphy, John Savage, Felix Riley, James Donahue, Patrick Smith, Michael Maguire and such other persons as now are or hereafter may be associated with them and their successors, shall be and are hereby constituted a body corporate by the name of "The Protection Benevolent Association, of the city of Newark," and by that name they and their successors shall have perpetual succession, and may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name aforesaid, and under their common seal, may make, enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of said incorporation. Corporators. Corporate name and powers.

2. *And be it enacted*, That the object of this corporation is for the promotion of social intercourse among its members, to provide for each other's general welfare, and to afford relief to its members in case of sickness, accident or infirmity, aiding in the burial of deceased members, and contributing to the maintenance and education of their families. Object.

3. *And be it enacted*, That the said corporation shall have power to adopt a code of by-laws for the better management of finances, general business and election of officers; *provided*, that such by-laws shall not be repugnant or inconsistent with the constitution of the United States or this State. May adopt by-laws. Proviso.

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

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled General powers.

"An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

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

Approved March 23, 1871.

CHAPTER CCCVI.

An Act to change the name of the Clinton Avenue Methodist Episcopal Church of Newark.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Clinton Avenue Methodist Episcopal Church of Newark," be and the same is hereby changed to "Saint Luke's Methodist Episcopal Church of Newark."

Rights to remain the same.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act had not passed; and that this act shall take effect immediately.

Approved March 23, 1871.

CHAPTER CCCVII.

An Act to authorize Henry Barber to build wharves, piers and bulkheads in front of his lands, on the Delaware river, in the township of Upper Penns Neck, Salem county, New Jersey.

Empowered to erect wharves and piers and collect wharfage

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Barber be, and he is hereby authorized and empowered to erect and maintain all such wharves, piers and bulkheads in front of his

lands, on the Delaware river, in the township of Upper Penns Neck, Salem county, New Jersey, as he may deem proper and necessary for the improvement of his property, or for the benefit of commerce, and to collect wharfage for the use thereof, and to hold, use and enjoy the same to himself, his heirs and assigns; *provided however*, that no such wharf, pier or bulkhead shall be erected or built, by virtue of this act, for a greater distance than one hundred feet beyond low water mark, nor in front of the land of any other person; *provided further*, that nothing in this act shall affect the rights of the State to lands lying under water. Proviso.

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

Approved March 23, 1871.

CHAPTER CCCVIII.

An Act to incorporate the Central Insurance Company, of New Jersey.

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

Proviso.

put the same into execution; *provided*, the same be not contrary to the laws of this State, or of the United States.

Capital stock.

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

Election of directors.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by such directors, not less than five nor more than fifteen in number, as may be elected for that purpose, a majority of whom shall constitute a quorum; which directors shall hold their office for one year, and until others are chosen; and they shall at all times during their continuance in office be stockholders in their own right, and in such amount as the by-laws may determine; said directors shall be elected on the first Monday in January, in each and every year after the first year, at such hour of the day and at such place in the State of New Jersey as the board of directors, for the time being, shall direct, of which election two weeks' public notice shall be given in a newspaper printed in the county of Burlington, in the State of New Jersey; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of the company may be kept in the city of Bordentown, in the county of Burlington, in the State of New Jersey.

Notice of election.

Officers.

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

Commissioners to receive subscriptions.

5. *And be it enacted*, That John H. Brakeley, Whitall Stokes, Hugh Newell, Joseph E. Troth and Joseph Norris, are hereby appointed commissioners, by whom, or either of them, books of subscription to the capital stock of said company may be opened, upon two weeks' notice, published in a newspaper printed in said county of Burlington, in the State of New Jersey; and the said commissioners, or either of them, shall, by written notice to each and every stock-

holder, appoint the hour and place for holding the first election of directors.

May make insurance on buildings, &c.

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

Policies to be binding on corporation.

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

May purchase and hold real estate.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities mortgaged or pledged to said company, to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgages or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales under such proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt or obligations contracted with or due said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of; and said company may invest their capital and accumulating premiums and other property, from time to time, in public stocks, bonds, mortgages and such other securities as the directors may approve.

May invest capital and premiums.

Stock, how transferable.

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

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

Semi-annual dividends.

directors to make dividends of so much of the profits of the company as shall appear advisable among the stockholders and parties entitled thereto, which dividends shall be paid out semi-annually to the parties entitled thereto, or to their legal representatives.

Directors not to borrow money from corporation.

11. *And be it enacted*, That the directors of said company shall not, directly or indirectly, borrow money from said company, or use the same, except to pay necessary expenses; and the directors shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the managing and directing the affairs of the company.

Annual statement.

12. *And be it enacted*, That it shall be the duty of said company to make an annual report of its affairs and the state of its funds to the Legislature of this State, which report shall be verified by the oaths or affirmations of the president and treasurer of the said company.

Limitation.

13. *And be it enacted*, That this act shall take effect immediately, and continue in force fifty years.

Approved March 23, 1871.

CHAPTER CCCIX.

An Act to authorize the trustees of the Second Presbyterian Church, of Belvidere, to make sale and conveyance of their Parsonage House and lot of land, in the town of Belvidere.

Preamble.

WHEREAS, John Kinney, junior, late of the town of Belvidere aforesaid, deceased, did in and by codicil to his last will and testament, dated the first day of June, anno domini one thousand eight hundred and fifty, give and bequeath to the trustees of Second Presbyterian Church, in Belvidere, and to their successors in office, a house and lot then lately purchased by said deceased, of Reeder T. Slack, situate in Paul street, in Belvidere aforesaid, in trust, nevertheless, for a parsonage for the pastor statedly worshipping in said Second Presbyterian Church, of Belvidere; AND WHEREAS, the said house on the said lot has been for a number of years in such a condition that it has

been unfit for a residence for the pastor of said church, and has not been occupied for that purpose, and cannot be repaired and made fit and suitable for that purpose without the expenditure of a very large sum of money; AND WHEREAS, the said house and lot cannot now be rented for as much money as the interest of the money for which said house and lot can be sold; AND WHEREAS, the trustees of said church are desirous to sell the said house and lot, and to use the money arising from said sale towards the erection of a new parsonage house on a lot of land to be donated to or purchased by said trustees for that purpose; therefore,

Trustees to sell and convey the parsonage and invest the proceeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Second Presbyterian Church, of Belvidere, be, and they are hereby authorized and empowered to sell and convey the said parsonage house and lot so devised to them as above recited, in fee simple, to such person or persons, for such sum or sums of money, and invest the same in the purchase of a lot and the building of a new parsonage house thereon according, as they may deem best calculated to insure the purpose of said devise, and to make and execute an absolute conveyance to the purchaser or purchasers thereof.

Title to land sold.

2. *And be it enacted*, That the purchaser or purchasers of the said house and lot, upon conveyance thereof as aforesaid, shall hold the same acquitted and discharged of the said trust, and in absolute estate.

Trustees to invest proceeds of sale.

3. *And be it enacted*, That until the proceeds of said sale be invested, as aforesaid, it shall and may be lawful for the said trustees to keep the said proceeds invested at interest for the benefit of said church, in such manner as they may deem proper, and that any note, bill, or bond, or mortgage or other security taken by said trustees, for that purpose, shall be deemed and taken to be valid and effectual in the law.

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

Approved March 23, 1871.

CHAPTER CCCX.

An Act to incorporate the Washington Cemetery Association of Washington, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philip H. Hann, Adam W. Creveling, Joseph Vliet, William Sweeny, Joseph C. Stewart, James Lomerson, James H. Groff, William Shields, Jr., A. Gaylord, Philip Johnston, Daniel Spangenberg, William Frittz, Selden T. Seranten, George W. Taylor Aaron G. Vansyckel, John W. Hummer and Absalom Purcel, and such other persons as are now or shall hereafter become stockholders, their successors and assigns be, and are hereby made and constituted a corporation and body politic, by the name of "The Washington Cemetery Association of Washington."

Corporate name.

May purchase and hold land for the purposes of a cemetery.

2. *And be it enacted*, That the said association shall have power to purchase, to take and hold in fee, a tract or tracts of land, not exceeding fifty acres, in the vicinity of Washington, for the use and purposes of a cemetery, and erect thereon such buildings and other accommodations as the directors may deem suitable and necessary, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance under the corporate seal of said association, and signed by the president and secretary thereof, to be used only as a cemetery, with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject, however, to such regulations and restrictions as have been or may be established in relation thereto by any by-laws or ordinance of said corporation; transfers of sub-lots or rights thereunto may be made by the owner or owners thereof by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

3. *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 restrictions prohibiting them from using such part for such purposes, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited for or which they are prohibited from using for said purpose. Lands unsuited for cemetery purposes to be sold.

4. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of nine persons, who shall be residents of this State, and who shall be elected annually at such time and place as the by-laws may direct, upon notice given at least ten days previous thereto, by advertisement in one newspaper published in the said county of Warren, at which election each share of stock shall entitle the holder thereof to one vote, and the said directors shall elect one of their number president, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix, from time to time, to the several plats and lots such price as they shall deem reasonable and proper, and shall have the sole charge, superintendence and control of said cemetery, and until the first election of directors the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon due notice given by the directors; and the directors for the time being shall continue to hold their office until others are chosen. Annual election of directors. Failure to elect not to dissolve.

5. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting fences, buildings, and other necessary accommodations shall be the capital stock of said association, and shall be divided into shares of one hundred dollars each, and that not less than twenty-five per centum of the net proceeds of all sales of lots, parcels and plats shall be appropriated or funded for Capital stock, how expended.

the further embellishment and maintaining the improvements, fences and other accommodations of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests, and whatever sum shall be funded, as aforesaid, and the lands of said association, the same shall be free from all taxes or assessments, and no taxes or assessments, shall be imposed on lot owners therefor.

Subscriptions may be called in on notice.

6. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock, at such times, and in such sums, and upon such notice as they may deem reasonable, and a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of all moneys thereon and all rights by virtue of his subscription to such stock.

Association exempt from taxation.

7. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, (and shall be exempt from all taxes, assessments and charges upon their capital stock,) and the property which they may acquire, hold or possess, and the real estate of said corporation, and the said lots and parcels when conveyed by the said corporation, or when sold to individual proprietors, or held by any person shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution or subject to attachment, or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

Consent to be had for opening street or road.

8. *And be it enacted*, That no public street or road shall hereafter be opened through the cemetery grounds without the consent of the said corporation.

Persons that may hold lots.

9. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society may purchase and hold lots in said cemetery adjacent to each other in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said board of directors.

May take and hold any donation, &c.

10. *And be it enacted*, That the said corporation may take and hold any grant, donation or bequest of property upon trust to apply the same, or the income thereof, under the direction of the board of directors for the improvement or

embellishment of the said cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or grave stone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the designs and purposes of this act according to the term of such grant, donation or bequest.

Provisions of a portion of an act made a part of this act.

11. *And be it enacted*, That the provisions of the eighth section of the act entitled "An Act authorizing the incorporation of Rural Cemetery Associations," approved March fourteenth, one thousand eight hundred and fifty-one, be, and the same is hereby made part of this act.

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

Approved March 23, 1871.

CHAPTER CCCXI.

An Act to incorporate the Mechanics' Trust Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Meigs, Solon Humphrey, Jacob R. Schuyler, Rufus Story, F. I. Smith, Hiram Van Buskirk, James W. Trask, Erastus Randall, George Carragan, and such other persons as may be hereafter associated with them and their successors, are hereby constituted a body corporate in fact and in law, under the name of the "Mechanics' Trust Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as are hereinafter provided.

Corporate name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars; but when fifty thousand dollars shall have been actually subscribed, and twenty-five thousand been paid in, the said company may organize and proceed to business under this act.

3. *And be it enacted*, That the said company shall have power to receive as deposits all sums of money which may

May receive deposits and invest capital stock, &c.

be offered, in such sums, and at such times, and on such terms as the by-laws shall prescribe, which money so received shall be repaid to such depositor, at such times and with such interest, not to exceed seven per centum, and under such regulations as shall be by said company from time to time prescribed, and shall have power to guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, evidence of debt and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, contracts or other property, except household furniture and wearing apparel, and to take the management, custody and charge of real and personal estate and property, and to advance moneys, securities and credits upon any property, real or personal, on such terms as may be established by the directors of said company; and that the capital stock and funds of said corporation may be invested and re-invested in, and loans made upon bonds and mortgages, on real estate, within the State of New Jersey, and the bonds and stocks of said State and of the United States, and upon such other security as the board of directors may see proper; and that said corporation may receive in addition to the interest upon such loans a commission for the transaction and making said loans.

Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That the persons named in the first section of this act, shall be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, at such time and place as they may deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscriptions than fifty thousand dollars as hereinbefore provided; the persons named in the first section of this act, shall be directors of said company for one year after the passage of this act, and until others are elected in their stead, who shall be elected by a majority in interest of the stockholders annually.

Certificates to be attested.

5. *And be it enacted*, That the said company are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts, which shall bear the impress or stamp of the seal of

the company, and shall be signed by the president, and countersigned by the secretary or treasurer thereof.

May increase amount of capital stock.

6. *And be it enacted*, That it shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by an act entitled "An act to authorize the establishment, and to prescribe the duties of companies for manufacturing purposes," approved March second, one thousand eight hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Place of business.

7. *And be it enacted*, That this act may be altered, amended or repealed, at the pleasure of the Senate and General Assembly, and that the place of business of said company shall be located in the city of Bayonne.

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

Approved March 23, 1871.

CHAPTER CCCXII.

An Act to incorporate the Commercial Bank of Vineland.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hendee, Edwin M. Turner, Willis T. Virgil, William A. House, James Sawyer and R. C. Sykes and their associates be, and they are hereby created a body politic and corporate by the name of "The Commercial Bank of Vineland," and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes and gold or silver bullion, and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be purchased upon judgment or execution for

Corporate name and powers.

Proviso.

the purpose of securing or obtaining payment of any debt or debts due to said corporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with liberty to increase it to one hundred thousand dollars, and shall be divided in shares of one hundred dollars each; that John Hendee, Edwin M. Turner, Willis T. Virgil, William A. House, James Sawyer and R. C. Sykes, or a majority of them shall be, and they are hereby appointed commissioners to open, at the town of Vineland, a book of subscriptions for and to receive subscriptions to said capital stock, giving at least ten days' notice in a newspaper printed in the county of Cumberland, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before twenty-five thousand dollars shall be actually paid in cash.

Commissioners to receive subscriptions.

Annual election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, a majority of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that said directors shall be stockholders and residents of this State, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday in January, in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by an advertisement in one or more of the newspapers published in the county of Cumberland; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock

standing in his or her name on the books of the corporation, for thirty days at least next preceding such election; that for the well-ordering of said election, the board of directors shall previously thereto, appoint three stockholders not being directors, to be judges thereof, who shall conduct said election, and determine the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, having the highest number of votes, as many as may be required to make up the full number of five directors; and the directors so selected shall, at the first meeting thereafter when a quorum shall be present, elect one of their number to be president as well of their board as of the said corporation; and whenever a vacancy shall occur in said board of directors, by death, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not, for that reason, be deemed to be dissolved, but an election for directors shall in such case be held as soon as conveniently may be thereafter upon like notice as above directed, and at the place and in the mode above specified.

Failure to elec not to dissolve.

4. *And be it enacted*, That as soon as conveniently may be after the sum of twenty-five thousand dollars of said capital stock is subscribed, and actually paid in cash, the said commissioners, or a majority of them, shall call a meeting of the said subscribers to said capital stock in the town of Vineland, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting by advertisement in a newspaper published in the county of Cumberland; and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy being entitled to one vote for each share of stock respectively subscribed for by them; and said first board of directors shall, as soon as conveniently may be after said election, organize

Directors.

by electing a president in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys shall be full and absolute acquittance and discharge therefor, and said board of directors shall hold their offices until the second Tuesday in January in the year following their election, and until their successors are chosen and qualified.

Failure to pay instalments to work a forfeiture.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this State are liable to, and the real estate of said corporation may be taxed as other lands in this State are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payments of said instalments shall be given by advertising in at least two papers published in the county of Cumberland, and that no instalment of more than twenty-five dollars on each share shall be called in at one time, nor shall said instalments be required to be paid within less than twenty days of each other.

Proviso.

Cashier.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable, however, to be removed and another appointed in his place at the pleasure of the said board of directors; and on such appointment or re-appointment the said cashier shall, before entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond with good and sufficient security, to be approved by the board of directors, in the penal sum of at least thirty thousand dollars, conditioned for the faithful performance of his duties as a cashier of said bank.

Bills and notes issued binding on corporation.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, and his, her and their asssignee or assignees, and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be demandable and payable at the banking house of said corporation.

Semi-annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

Proviso.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this State for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange and the purchase and sale thereof.

No transfer of stock made by persons indebted to corporation.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts due to the said bank, or who is the drawer or endorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Refusal to redeem to debar banking operations.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations

Proviso.

until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplements thereto, approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act.

Assets first liable for payment of bills in case of failure.

12. *And be it enacted*, That if the said corporation hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first applied to the payment thereof, and in case of a distribution of the assets among the creditors of said corporation, under the order or decree of the court of chancery the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors, except bona fide judgments or mortgage creditors.

Directors to be residents of this State, and liable for circulation.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this State, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they have ceased to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of

Shall not resign office to avoid liability.

Proviso.

this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Stockholder liable for amount to redeem circulation.

14. *And be it enacted*, That if the assets of said corporation and directors shall prove insufficient to redeem the whole of the said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills or notes; and the stockholders of the said corporation at the time of its becoming insolvent, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills or notes after the assets of said corporation shall have been distributed as aforesaid; *provided*, that no stockholder shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills or notes, then the said stockholders shall be liable in the ratio of the stock so held by them, and it shall not be lawful for any such stockholders to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

Action at law.

15. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation by any receiver or receivers thereof, the said receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Proviso.

Amount of bills issued.

16. *And be it enacted*, That the bills or notes issued by said corporation shall not any time exceed double the amount of its capital stock paid in, and if the president or cashier shall knowingly and wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by imprisonment not less than one year, nor more than five years, in the discretion of the court.

Statements.

17. *And be it enacted*, That it shall be the duty of said corporation on the first Monday in the months of January,

April, July, and October in every year, to make the statements required to be made by the other banks of this State, by the act entitled "An Act to punish frauds committed on the incorporated banks of this State, and for the better regulation of said banks," approved April sixteenth, one thousand eight hundred and forty-six.

Majority of stockholders to be residents of this State. Limitation.

18. *And be it enacted*, That a majority in interest of the stockholders shall be residents of this State.

19. *And be it enacted*, That this act shall continue in force for twenty years, but it shall be lawful for the Legislature at any time hereafter to alter, modify or repeal the same, whenever in their opinion the public good shall require it, and that this act shall go into effect immediately.

Approved March 23, 1871.

CHAPTER CCCXIII.

An Act authorizing a board of trustees to administer the temporalities of the Reformed Church, of Paramus, in Bergen county.

Pew owners to elect trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the pew owners of the Reformed Church, of Paramus, who shall have been stated attendants on public worship in said church for one year or more, and who shall have contributed to the support of said church, to meet together at such time and place as shall for that purpose be appointed by the consistory of said church; and by plurality of votes to elect from the persons aforesaid five persons who, at such election, shall not be members of the consistory, and who shall not, during his or their term of office, be eligible thereto, and who, with the four deacons, ex-officio, shall constitute a board of nine trustees to take the charge and management of the church estate and property, and to transfer all affairs relative to the temporalities thereof.

Election, how held.

2. *And be it enacted*, That notice of the time and place of such election shall be publicly given in said church for at least two days or Sabbaths, on which public worship

shall be statedly held therein next previous to the time of such election; and the said election shall be held by three inspectors to be appointed by the said consistory, who shall preside at such election, receive the votes of the electors, be the judges to determine their qualifications as herein prescribed, be the officers to certify and return to the said consistory the names of the persons so elected, and also to certify and inform such persons of their election; and the said persons so elected shall be divided at their first meeting and organization into five classes, of which the first shall remain in office one year, the second two years, the third three years, the fourth four years, and the fifth five years, so that one class may be elected every year; and at every such election, and at every election to fill a vacancy, caused by death, removal or otherwise, inspectors shall be appointed by the consistory, in the manner and for the purposes as herein provided.

Trustees to be divided into classes.

3. *And be it enacted*, That immediately after the first trustees shall be elected, and shall have met with said deacons, and become organized as contemplated by this act, the right and power of administering and using the estate, property, rights, privileges and effects of said church, so far as they constitute the temporalities thereof (excepting the fund raised or to be raised by charitable contributions, commonly called the deacons' fund,) shall be transferred from the consistory of said church, and by virtue of this act, pass to and become vested in the said board of nine trustees and their successors, to be used by them in the administration, care and management of the temporalities of the church, to the same extent, and in the same manner to all intents and purposes as the same may now be used by the said consistory.

Trustees to have the control and management of the funds, &c., of church.

4. *And be it enacted*, That whereas the congregation of said church have resolved to build a new church edifice, the said board of trustees are hereby authorized to make such disposition of the old church building, by sale or otherwise, and of the rights of the pew owners therein as to a majority of the said board shall seem fit and proper, having regard to the rights of all the parties interested, to have full control and management of the pews in the new church, during its construction and at and after its completion, to pay the minister's salary and the general expenses of the church, to

May sell church building and make by-laws.

adopt suitable by-laws or articles for its management, and in general to conduct and control all its temporal affairs.

Statement to be made at annual meeting.

5. *And be it enacted*, That it shall be the duty of the board of trustees to lay before the congregation, at each and every annual meeting, the state of the church temporalities, including the situation of the funds, and the accounts and transactions of the preceding year, previous to the election of a trustee at such annual meeting.

6. *And be it enacted*, That the corporate name of "The Consistory of the Congregation of Paramus," assumed according to a certificate thereof, recorded in the clerk's office of the county of Bergen, on the sixteenth day of November, one thousand eight hundred and two, be and the same is hereby changed to that of "The Consistory of the Reformed Church of Paramus;" *provided*, that the rights of property of and belonging to the consistory of said church shall in nowise be affected by the said change of name, except as to the administration thereof, under the provisions of this act.

Corporate name.

Proviso.

Powers.

7. *And be it enacted*, That the consistory, composed of the minister, elders and deacons of the Reformed Church of Paramus, shall have and maintain all the powers now vested in them in and by the laws of the State of New Jersey, and the customs, manners and usages under the constitution of the Reformed Church in America, relative to the corporate property of the church, and all other powers as heretofore, not inconsistent with the provisions of this act; *provided*, that in selecting or making choice of a minister, a majority of the eight members of the consistory, together with a majority of the five trustees who are not deacons, shall be necessary in making such choice and selection; *and provided further*, that the corporate property of the said church as now vested in the consistory, shall be and remain liable for any and all contracts made and liabilities incurred by the said board of trustees in the administration, care, and management of the temporalities as aforesaid.

Proviso.

Proviso.

Repealer.

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

Approved March 23, 1871.

CHAPTER CCCXIV.

A Supplement to the act entitled "An act to incorporate the Borough of Hightstown," approved March fifth, one thousand eight hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any land owner shall neglect or refuse to make, pave, grade, gravel, flag or curb the sidewalks in front of his or her lands, or the side walks along and adjoining the same, within thirty days after he or she shall be notified by notice in writing signed by the mayor and clerk of said borough, setting forth the manner of said walk and the material to be used in the making of the same, in the manner and of the material specified in said notice, the said council may proceed to have the same done and the said borough shall recover in the name of the treasurer of said borough the expenses thereof, which shall include the cost of material, carting and labor, from such land owner in an action of debt in any court having cognizance thereof, and the declaration or demand in any such action shall be general, stating the demand for so much money paid, laid out and expended in paving the side walks in front of his or her land by virtue of this act, and that the special matters may be given in evidence under it. Council to make, pave, &c., sidewalks.

2. *And be it enacted*, That after sidewalks shall be made, graded and paved, each land owner shall keep the same in good and sufficient repair in front of his or her land, and in case of neglect or refusal the council shall cause the same to be so kept, and the expense thereof shall be by them recovered against the said land owners so refusing or neglecting, in the manner provided in the preceding section. Land owners to keep sidewalks in front of their lands in repair.

3. *And be it enacted*, That each and every land owner in front of whose lands sidewalks shall have been or may hereafter be made, in pursuance of this act, and every occupant of such lands shall at all seasons of the year, clear and remove from said walks all snow, slush, ice or mud that may be thereon, and shall also at all times clear out and keep Land owners to remove obstructions from sidewalks.

open, for the free and easy passage and flow of water, the gutters and drains in front thereof; and if any land owner or occupant shall neglect or refuse to do so for the space of one hour after being notified by notice in writing signed by the mayor of said borough, the council may have the same done, and the expenses thereof recovered in the manner prescribed in the first section of this act.

Powers of common council.

4. *And be it enacted*, That the said common council, or a majority of them in council assembled, shall have power to pass, enforce, alter, modify, amend and repeal ordinances, for the purpose of declaring what shall be considered nuisances in streets, roads, lots, and places in said borough; to prevent and remove all encroachments and nuisances in or upon any street, road, sidewalk, lot, enclosure, place or places in said borough, and provide for the sale or other disposition of such incumbrance in or upon the streets or roads; to make and adopt a general plan of sewerage and drainage for said borough, or any part or parts thereof conformably to which all sewers, drains, receiving basins and all the appurtenances of public drainage shall be constructed; and to alter and vary the same; to manage, control and protect the finances and property of the borough, and all public buildings, and the erecting and maintaining the same; to establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; to provide a suitable police station and all necessary rooms and cells for the safe keeping of criminals, offenders and persons under arrest; to establish, regulate and control a fire department, to provide fire engines, apparatus and houses for the same and water for extinguishing fires; to provide street lamps for, and to light the streets by gas or other material; to provide for the recovery of all fines, forfeitures, amercements and penalties not provided for by this act or other statutes of this State; to inspect weights and measures; to establish, regulate and control one or more public markets.

Licenses, how granted.

5. *And be it enacted*, That the common council of the borough of Hightstown 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 borough, for such time or term, as they may deem expedient, otherwise subject to the same restric-

tions 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.

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

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

Approved March 23, 1871.

CHAPTER CCCXV.

An Act to legalize, construe and confirm certain acts and proceedings in the matter of altering the lines of and widening Springfield Avenue, in the city of Newark.

WHEREAS, the common council of the city of Newark, on the twenty-first day of May, eighteen hundred and sixty-nine, under and by virtue of the authority vested in them by the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, and the supplements thereto, and the ordinances of said city, passed a resolution of intention to order and cause Springfield avenue, in said city, from Sixteenth avenue to the Clinton township line, to be altered and widened to the width of eighty-five feet, in accordance with a map filed in the office of the city clerk, made under the direction of the committee on streets and highways, which said resolution of intention, so passed as aforesaid, was approved by the mayor of said city on the twenty-fourth day of May, in said year; AND WHEREAS, said common council afterwards, to wit, on the second day of July, in said year eighteen hundred and sixty-nine, under and by virtue of the authority aforesaid, passed an ordinance entitled "An ordinance to alter the lines of and widen Springfield avenue," which said ordinance, so passed as aforesaid, was approved by the mayor of said city on the day follow- Preamble.

ing; AND WHEREAS, the said common council, under and by virtue of the authority aforesaid, did also, on the third day of September, in said year eighteen hundred and sixty-nine, appoint James G. Barnet, Henry N. Parkhurst, Horace J. Poinier, Charles Merchant and Sylvester H. Moore, five disinterested freeholders of said city, residing in different wards, commissioners to make an estimate and assessment of the damages sustained by the owners of the lands and real estate necessary to be taken and appropriated for said widening, and also an assessment of the benefits received, upon the owners of said lands and real estate, which said appointment was approved by the mayor of said city on the day following; AND WHEREAS, it was the real intention of said common council, in and by said resolution of intention, and in and by said ordinance and the appointment of said commissioners, to alter and widen said Springfield avenue, from Sixteenth avenue to the Clinton township line, to the width of eighty-five feet, and to so alter and widen so much of said Springfield avenue, between said Sixteenth avenue and said Clinton township line, as lies between said Sixteenth avenue and Montgomery avenue, by adding nineteen feet to the northerly line or side thereof as it existed prior to said widening; AND WHEREAS, the said commissioners have made their assessments and awards for damages in the matter of said widening, based upon and in accordance with said real intention of said common council, and have presented their report of said awards, and the map constituting a part of their said report, to said common council, which body did, on the second day of December, in the year eighteen hundred and seventy, by virtue of the authority aforesaid, ratify the same, which said ratification was approved by the mayor of said city on the day following; AND WHEREAS, it has been ascertained that the said resolution of intention and said map made under the direction of the committee on streets and highways, and said ordinance and the map presented by said commissioners, and constituting a part of their report as aforesaid, do not correspond exactly with the profile of the northerly line of said Springfield avenue, between said Sixteenth avenue and Montgomery avenue, as said line existed prior to said widening, nor with each other; AND WHEREAS, doubts have therefore arisen respecting

the legality of the acts and proceedings done and taken in said matter of altering the lines of and widening said Springfield avenue; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said resolution of intention, and said map made under the direction of the committee on streets and highways, and said ordinance, and all the acts and proceedings of said common council, and the approvals of said mayor, and the assessment of damages and report presented by said commissioners, and ratified as aforesaid, and the map constituting a part of their report aforesaid, and all acts and proceedings done and taken in the matter of said widening, are hereby legalized, established and confirmed, and shall be construed, taken and held to mean, call for and apply to, the widening of so much of said Springfield avenue, between the points named in said ordinance, as lies between said Sixteenth avenue and Montgomery avenue, by adding nineteen feet to the northerly line or side thereof, as it existed prior to said widening, notwithstanding any irregularities or defects in any of the same, and shall be as valid and effectual in law as if made, done and taken in strict conformity with the laws of this State, and with each other, and with the said northerly line or side of said Springfield avenue, as it existed prior to said widening, and with the said real intention of said common council to alter and widen said avenue, between said Sixteenth avenue and the Clinton township line, to the width of eighty-five feet, and to so alter and widen so much of said avenue, between said points, as lies between said Sixteenth avenue and Montgomery avenue, by adding nineteen feet to the northerly line or side thereof, as it existed prior to said widening; *provided*, that nothing in this act shall affect any appeal or appeals, respecting only the amount of any award or awards of damages made by said commissioners in the matter of said widening which may have been taken by any person or persons, within the time limited by law for such appeal.

Acts and proceedings of common council and assessments by commissioners, &c., legalized, established and confirmed.

Proviso

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

Approved March 23, 1871.

CHAPTER CCCXVI.

An Act concerning Roads in the townships of Wayne and Manchester, in Passaic County.

May lay out and open public roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the respective townships of Wayne and Manchester, in the county of Passaic, are hereby authorized and required to open and prepare for use the public roads that have heretofore been laid out by the surveyors of highways, and not yet opened, and which may hereafter be so laid in said townships respectively, and for that purpose the township committee of the respective townships shall cause the said work to be done by contract, advertising for proposals, stating the manner in which the work shall be done, and the time, when and place where proposals for the same will be opened, and said contract shall be awarded to the lowest responsible bidder.

Road taxes to be collected and expended.

2. *And be it enacted*, That one third of all taxes voted to be raised for making and repairing roads in said townships respectively, and all the road taxes of non residents, and of those persons refusing to work out their road tax, shall be paid in money, and collected in the same manner as other taxes for county and township purposes are collected, and shall be paid over to the township committee of the respective townships, and shall be used by said committee for opening new roads, paying for the necessary tools and materials, and the balance, if any, to be appropriated by said committee to those districts which in their discretion do most require the same.

May borrow money and issue bonds.

3. *And be it enacted*, That the township committee of said townships respectively shall have power to borrow moneys in anticipation of said assessments not exceeding in the aggregate the amounts determined to be raised as aforesaid; *provided*, that for the purpose of opening roads already laid out and not yet opened, the township committee of the said townships respectively may issue bonds signed by the said committee, or any three of them, and attested by

Proviso.

the township clerk, for an amount not exceeding the sum of four thousand dollars, bearing interest not exceeding seven per centum per annum, and payable in not less than six nor more than ten years, and to pledge the property and credit of the said townships for the payment of the same, and said bonds shall not be sold for less than the par value thereof.

Bonds and interest, how payable.

4. *And be it enacted*, That the township committee of the said townships respectively, are hereby authorized and required to provide for the payment of the said bonds and the interest thereon as the same shall from time to time become due and payable, by taxes to be raised, levied and collected at the times and in the manner that other township taxes are levied and collected.

Election of overseers of roads.

5. *And be it enacted*, That the overseers of roads for each district shall be elected by the taxpayers of each road district in the respective townships, on the first Monday in April, at some convenient place agreed upon by the people of the various districts; notice of the time and place of such first meeting shall be given by the township clerk; said overseers shall hold office for one year, and in case any of them shall die, resign or remove from his district or fail or refuse to serve, or if the people of any district fail or refuse to elect an overseer, then the township committee shall appoint some person to serve till the next election for overseers.

Duties of overseers of roads.

6. *And be it enacted*, That said overseers shall perform all the duties required of them under the general statute, they shall see that all road taxes are faithfully worked out, they shall employ laborers, hire teams, procure necessary tools and materials to work out the taxes of non-residents, and of those persons refusing to work out their road tax, and such appropriations as the township committee may make, and all bills of said overseers duly verified before a justice of the peace, (or any person duly authorized to administer an oath) shall be presented to the township committee of their respective townships for examination and allowance, and if allowed and approved they shall thereupon pay the same.

Roads when opened shall be worked as public roads.

7. *And be it enacted*, That the roads mentioned in the first section of this act, after being opened and prepared for public use by said committee, shall be worked and repaired by the proper overseer of the highways in the same manner as other public roads in said township.

Per diem to be determined by vote.

8. *And be it enacted*, That the people of the respective townships shall determine by vote, at their annual town meeting, how much shall be paid to each man, and man and team per day, for working upon said highways, and while so working, ten hours shall constitute a day's work.

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

Approved March 23, 1871.

CHAPTER CCCXVII.

A Supplement to "An Act concerning roads," so far as it applies to the township of Union, in Union county, approved April sixteenth, one thousand eight hundred and forty-six.

Tax for road purposes to be assessed and collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a poll tax of one dollar shall be assessed and collected upon every male inhabitant of the township, between the ages of twenty-one and sixty-five years, which shall be appropriated for road purposes, and for no other use, and that all taxes assessed for making and repairing roads, shall be paid in money, and collected in the same manner as other taxes for township and other purposes, and at least three-fourths of the same shall be worked out on the road districts of said township of Union, between the first day of May and the first day of September, of each and every year.

Commissioners of highways to divide township into districts.

2. *And be it enacted*, That said township shall elect at the annual town meeting three men, who shall be freeholders of the township, and who shall be called commissioners of highways, and shall meet at some convenient place in the township, the first Monday after town meeting, and proceed to lay off the township into districts, usually not less than three miles in length of road; having reference in all cases to equalizing the districts, and assign to each district the amount of road to be worked by each overseer, and apportion the moneys assessed for roads to each district in pro-

portion to the amount of labor required to be done, and make the overseers' list accordingly, and forward them to the overseers appointed or elected; and the said commissioners shall receive for each day's service actually performed by them, the sum of two dollars each, to be paid by the township committee of said township. Compensation of commissioners.

3. *And be it enacted*, That all taxes collected for roads, be paid by the collector and justice or other officer, if collected by the tax warrant, over to the commissioners, and that they be required to give security for the safe disbursement of the same, and to pay over to the several overseers of the districts the money collected for such roads, in the proportions assigned to each overseer by the said commissioners; and it shall be the duty of the said commissioners to appoint one overseer for each road district, who shall hold the office until the said overseers of the road districts may be elected, as hereinafter mentioned in the provisions of this act, and in case a vacancy shall occur from any cause, in any road district, the commissioners shall nominate, and the township committee appoint a suitable person to fill such vacancy. Commissioners to receive taxes collected, and to give security. Appointment of overseers.

4. *And be it enacted*, That the overseers of roads for each road district shall be elected by the taxpayers of each road district on the fourth Monday of March, annually, at some convenient place agreed upon by the people of the districts; and at the time of such election tor overseers, the taxpayers of the districts shall also determine whether the work in the district shall be done by the inhabitants of the district or by contract, putting the work out to the lowest bidder, and instruct the overseer accordingly; and the said overseers of highways shall receive two dollars per day for each and every day actually engaged in contracting for, working on, or superintending said roads or highways. Power of taxpayers to elect overseers of roads, &c. Compensation of overseers.

5. *And be it enacted*, That if said work is done by the day, said contractor is required to work ten hours per day with his men and teams; and when worked by the inhabitants ten hours will constitute a day's work, and shall be entitled to receive such wages as the said commissioners and overseer of the district may determine, not to exceed the sum of two dollars per day for each man, or five dollars per day for each man and team. Per diem for work.

6. *And be it enacted*, That any district which may feel aggrieved or dissatisfied in apportioning the moneys, by the

Township committee may make changes in apportionment of money.

commissioners of highways, may, through their overseer, apply to the township committee, whose duty it shall be to meet at their usual place of meeting in the township, on the third Monday after town meeting, for the purpose of reviewing the apportionment of money made by the commissioners of highway to the overseers of road, and hear any report from any overseer who may consider his apportionment unjust, and make any change which in their judgment they may see fit, which decision shall be conclusive and remain in force for the year in which they may be called upon to decide.

Roads to be turnpiked with stone or gravel.

7. *And be it enacted*, That when done by contract, or otherwise, the overseers of the various districts where it is practicable, shall have the roads regularly formed, or turnpiked with stone or gravel, or both, and when done by contract the contractor to whom the work to be done is awarded, or the overseer when the work is not contracted for, shall proceed to form up the roads in the several districts, always giving preference to the roads which are traveled the most, and which never have been formed up or graveled: the said roads shall be formed usually twenty-one feet in width, and in no case exceed twenty-five feet from outside to outside, and to raise the center not less than fourteen inches, measuring from the bottom of the ditch on the side of the road, with a regular curve from the center to the outside of the road; and all roads so formed shall be required to be completed by the first day of August in each year.

Width of roads.

Inhabitants to furnish stone and gravel.

8. *And be it enacted*, That the inhabitants of each road district be required to furnish the overseer with stone and gravel, when to be had conveniently, and of sufficient quantities to enable such overseer to gravel all roads made and formed in said district, as described in the seventh section of this act; and it shall be the duty of said overseer to attend to graveling the same and to keep sufficient moneys in hand to pay for such gravel or stone, when necessary, and that any district may be permitted to use gravel or stone from an adjoining district, when directed by the commissioners.

Amount of assessment limited.

9. *And be it enacted*, That it shall not be lawful to assess over five thousand dollars, nor less than one thousand dollars in any one year for road purposes.

Overseers of roads to remove obstructions, &c.

10. *And be it enacted*, That any obstructions to highways caused by floods, snow-drifts, or otherwise, shall be removed by the overseers of the district, as soon as practicable to be done; it shall be the duty of the overseers of the various highways requiring such obstructions to be removed, to order out the people of the district adjacent to the place or places where such obstructions shall be, and proceed forthwith to remove the same, for which service the persons engaged in performing the labor shall receive the same compensation for men, or men and teams, as is paid for working on the roads at other times; and in case the labor is required to be done at a season of the year when the overseer has no funds in hand, the amount due for work shall be accredited to each person's name who is entitled to receive pay for the same, and be deducted from his or her road tax for the ensuing year.

Penalty for overseers not performing their duty.

11. *And be it enacted*, That each road district shall be required to own a road scraper and other necessary tools for working the roads, to be bought and paid for by the district, and it shall be the duty of the overseers of the various districts where it is practicable, in the month of April in each year, or sooner if the weather will permit, to scrape and smooth the said roads; and that any overseer who shall neglect or refuse to perform his duty, according to the requirements of this act, shall be liable to a fine of twenty dollars, to be sued for and collected by any person who is an inhabitant of the district, which fine, when collected, to be appropriated for the benefits of the roads of said district.

Overseers to make statements

12. *And be it enacted*, That it shall be the duty of every overseer of each road district, to make out a detailed statement of the expenditure of the moneys which he shall receive for the uses herein mentioned, under oath or affirmation that the same is just and true to the best of his knowledge and belief, and to pay the overplus, if any, to his successor in office, and to deliver the said statement to the clerk of the said township of Union, on or before the first Monday of April in each and every year, and the same shall be filed by the clerk with other papers of the township.

May borrow money.

13. *And be it enacted*, That the said commissioners of highways are hereby authorized to borrow upon the credit of the township any sum that may be needed, not exceeding the amount voted to be assessed in any one year, and pay

the same, with interest at seven per centum, when the taxes become due and are paid.

Notices to be given of election of overseers.

14. *And be it enacted*, That it shall be the duty of the overseers in each road district to give notice at least ten days previous to the annual meeting for the election of overseers, and so forth, by posting notices in three of the most public places in the district, setting forth the time, place and object of the meeting.

Repealer.

15. *And be it enacted*, That all such parts of the act to which this is a supplement, and of any supplement thereto, as are inconsistent with any of the provisions of this act, so far as concerns the township of Union, in the county of Union, are hereby repealed.

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

Approved March 23, 1871.

CHAPTER CCCXVIII.

A Further Supplement to an act entitled "An act to establish The Long Branch Police Sanitary and Improvement Commission," approved April eleventh, one thousand eight hundred and sixty-seven.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to establish The Long Branch Police Sanitary and Improvement Commission," approved April eleventh, one thousand eight hundred and sixty-seven, and the various supplements thereto, shall be in force and effect in all portions of the township of Ocean, in the county of Monmouth, included in the following limits, in addition to the limits included and described in section fifth of the supplement to aforesaid act, which said supplement was approved April third, one thousand eight hundred and sixty-eight, to wit: beginning in the road leading in front of Cornelius Van Derveer's to the Eatontown and Sea Shore turnpike, at the intersection of the same by the New Jersey Southern Railroad; thence

running southerly along said road or avenue to said turnpike; thence along the same westwardly, to the northwest corner of lands late belonging to John W. Slocum, deceased; thence along the line thereof southerly to the northeast corner of Henry H. Wardell's farm, in the line of lands of Joseph Poole; thence along the line of said Poole's land westward and southerly, to the road from Long Branch village to the Bath hotel; thence westerly along the same to the road leading out of said last mentioned road, to Lane and Corlies' store; thence along the same to the Long Branch and Deal turnpike; thence northerly along said last named turnpike, to the road leading from Lane and Corlies' store to Mechanicsville; thence along the same to southwesterly corner of lands of Samuel Corlies; thence with the westerly line of said Corlies' land, to corner of lands of Tucker Woolley; thence with the westerly line of said Woolley's lands, to corner of lands of George W. Brown; thence with the westerly lines of said Brown's land, to corner of lands of Joel Potter; thence with said Potter's westerly line, to the aforesaid Eatontown and Sea Shore turnpike; thence along the same to southeast corner of lands of A. M. Christellar and others, and known as the Kensington Park property; thence northerly along the easterly line of the same, to the said New Jersey Southern Railroad; thence easterly along said railroad, to the place of beginning.

Real and personal estate liable to assessment and taxation.

2. *And be it enacted*, That the real and personal estate within the limits described in the foregoing section of this act, shall be liable to such assessment and taxation as may be necessary to pay a just proportion, according to valuation of the moneys expended by the Long Branch commissioners in the purchase of office furniture, police equipments, machinery and other necessary materials and things now held and used by the said commissioners.

Power of commissioners.

3. *And be it enacted*, That it shall be lawful for the Long Branch commissioners:

1. To establish ordinances for the construction, leveling, grading, curbing, regulating, repairing, paving, flagging or graveling of sidewalks, and the removal of obstructions therein, and to prescribe the manner in which the same shall be done; and to assess the expense and cost thereof upon the lots or land fronting on or adjoining said sidewalks, in

proportion to the cost of the same in front of said lots or lands;

II. To cause suitable cross-walks to be constructed across any road, street, or avenue;

III. To cause a map to be made of all lots, tracts or parcels of land within the limits of their jurisdiction, and said map to be filed in their office.

Commissioners may hold real estate.

4. *And be it enacted*, That the said the Long Branch commissioners may, and they are hereby authorized and empowered to purchase and hold real estate to an amount not exceeding two thousand dollars, and to erect thereon offices for the transaction of their business, and also a suitable place for the detention and imprisonment of any person, who shall be arrested or committed for any breach of any of the ordinances or regulations of said commissioners, or for any breach of the peace, or any offence against the laws of this State.

Approved March 23, 1871.

CHAPTER CCCXIX.

A Supplement to "An Act to aid The Trustees of School District Number Thirty-six, in the county of Essex," approved March seventeenth, one thousand eight hundred and seventy.

Preamble,

WHEREAS, no provision is made in the act to which this is a supplement, for the election or appointment of any persons to be the successors of the commissioners named in said act, or for supplying a vacancy which may occur by the death of a commissioner, or otherwise;

Expiration of term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of one of the persons named in the sixth section of the act to which this a supplement, shall extend to and expire upon the first Monday in September, one thousand eight hundred and seventy-one; that of another on the first Monday in September, one thousand eight hundred and seventy-two; and that of the third

on the first Monday in September, one thousand eight hundred and seventy-three; that within four weeks after the approval of this act, the said commissioners shall determine by lot the terms of their continuance in office, respectively, in accordance herewith, and deliver to the trustees of said district a report in writing of the result of such determination; that on the first Monday in September, one thousand eight hundred and seventy-one, and annually thereafter, at the annual meeting for the election of trustees in said district, the persons entitled by law to vote therein for a trustee, shall elect one person to be a commissioner, in the same manner in which school trustees are elected, who shall hold such office for the term of three years; and in case of any vacancy caused by the death or resignation of any commissioner, or otherwise, such vacancy may be filled by the appointment of some person by a vote of the majority of the trustees of the district and the remaining commissioners, until the next annual meeting thereafter, when an election shall be held to fill such vacancy; and every person so elected or appointed as commissioner shall exercise the powers and perform the duties of such office in as full and ample a manner as the persons named in said act are now authorized to do.

Election of commissioner.

Vacancy, how filled.

2. *And be it enacted*, That The Trustees of School District Number Thirty-six, in the county of Essex, are hereby authorized to issue their corporate bonds to an amount not exceeding in the aggregate the sum of ten thousand dollars; said bonds to bear interest not exceeding seven per centum per annum, and to be made payable at any period not exceeding ten years from the date of their issue; and the said The Trustees of School District Number Thirty-six, in the county of Essex, are hereby authorized to make and execute a mortgage upon any school property of the district, to secure the payment of said bonds, and may also assume and agree to pay all taxes which may be assessed upon such security in the hands of the holders of the same; and the property and lands of said district are hereby pledged to the payment and redemption of the bonds herein authorized, as well as those issued under authority of the act to which this is a supplement.

Trustees may issue bonds, and mortgage school property.

3. *And be it enacted*, That the said trustees shall in each year insert in the certificate required by the third section of the act to which this is a supplement, such amount as will

Trustees to create a sinking fund.

fall due for interest on the bonds herein authorized for a period of one year from the date of such certificate, and direct the assessor to levy the same, together with the further sum of six hundred dollars, to create a sinking fund; and all the provisions of said act relating to the assessment for sinking fund and interest, and the investment of the sinking fund, shall be applicable to the moneys herein authorized to be levied and raised; and the same commissioners shall have charge of said bonds, and it shall be their duty to sell the same upon the best terms they may be able to make.

Commissioners to sell bonds.

Trustees to sell school property.

4. *And be it enacted*, That the said trustees shall sell and convey the school property on the southerly side of Main street, and now occupied by the district school, whenever in their judgment the interests of the district will warrant them in so doing; and shall apply the proceeds of such sale to the sinking fund for the redemption of the bonds which may be issued under the provisions of this act.

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

Approved March 23, 1871.

CHAPTER CCCXX.

An Act to enable the City of Newark to open South Twelfth street, in said city.

Preamble.

WHEREAS, South Twelfth street, in the city of Newark, as laid down on the map of "The Commissioners to lay out Streets, Avenues and Squares," crosses part of the land of the Fairmount Cemetery Association, which, by the charter of said association, cannot be taken or alienated for that purpose; AND WHEREAS, the city of Newark desires to open said South Twelfth street, and the said cemetery association being unwilling to place any obstructions in the way of public improvement,

May convey lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Fairmount Cemetery Association may convey to the city of Newark so much of

the land of said association as lies east of the west line of said South Twelfth street, and that in consideration of said conveyance the said city shall pay to said association the sum of two hundred dollars, for fencing along said street; and the lands of said association shall continue to be exempt from all taxes and assessments of every kind for opening, grading, curbing, flagging or sewering said South Twelfth street.

Lands exempt from taxes and assessments.

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

Approved March 23, 1871.

CHAPTER CCCXXI.

An Act appointing Commissioners of Streets and Sewers in the City of New Brunswick.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph F. Fisher, Miles Ross and Alfred J. Buttler be, and they are hereby appointed commissioners for the purpose of performing the acts and duties, and executing the powers conferred by this act, and shall be known and called "The Commissioners of Streets and Sewers in the City of New Brunswick;" and at their first meeting the said commissioners shall determine, by lot, which commissioner shall hold his office for three years, which commissioner shall hold his office for four years, and which commissioner shall hold his office for five years; and at the expiration of the term of office of said commissioners respectively, the voters of New Brunswick shall, at their annual election for city officers, choose one person to be commissioner in place of the commissioner so chosen, who shall hold his office for five years from said election; in case of any vacancy in said commission, from any cause, the mayor of the said city of New Brunswick shall appoint a resident and voter of said city to fill such vacancy for the unexpired term, subject to confirmation by the common council.

Commissioners.

Corporate name.

Vacancy, how filled.

Commissioners to give bonds.

2. *And be it enacted*, That before entering upon the duties of their appointment the said commissioners shall severally give bond to the mayor and common council of the city of New Brunswick, in the sum of fifty thousand dollars, with two sureties, to be approved by one of the judges of the court of common pleas of the county of Middlesex, for the faithful performance of the duties required of them by this act, to the best of their skill, knowledge and ability, and also an oath or affirmation for the same before the said judge, which shall be filed in the city clerk's office of said city.

Shall keep record of proceedings.

3. *And be it enacted*, That said commissioners shall keep a record of their proceedings, and shall have and use a common seal.

May grade, gravel and pave streets and sidewalks.

4. *And be it enacted*, That it shall be lawful for the said commissioners, or a majority of them, and they shall have the sole and exclusive power of directing and causing the streets of said city to be graded, gravelled or paved, and cross-walks laid, and the sidewalks of any of said streets to be graded, paved, curbed and guttered, and to order and construct, or cause to be constructed in any street, avenue, lane or alley, or otherwise within said city, all necessary sewerage works that may be required for the benefit or convenience of the citizens, or the promotion of the public health; and all such improvements shall be made in such manner, and at such times as, in the judgment of said commissioners, or a majority of them, may be most conducive to the public good, and the expense thereof shall be by them assessed and collected in the manner hereinafter prescribed.

May establish grades for streets, &c.

5. *And be it enacted*, That the said commissioners shall establish proper grades of the several public streets, avenues, lanes and alleys in said city, and shall cause maps and profiles thereof to be made and kept for public inspection, which said grades shall conform as nearly as may be to the present grades; *provided*, that the grade of any street as at present established shall not be changed unless the consent, in writing, of a majority of the owners of property who shall vote in accordance with the number of lineal feet owned by each on the line of the street to be affected, shall be first obtained, and that the expense of such re-grading shall be paid by general taxation, as provided in and by the nineteenth section of this act.

Proviso.

6. *And be it enacted*, That whenever the said commission-

ers shall deem the public good requires that any public road, street, avenue, lane or alley, or section thereof, should be graded, graveled, paved, repaved, or otherwise improved, or that the sidewalks thereof should be altered, curbed, paved, repaved, and guttered, they may have said work done, and within such time, as to them may seem best, or they may have the same done by contract, taking security for the faithful performance thereof, and reserving the right to reject any or all bids presented; in case they propose to have such work done by contract, they shall give one week's public notice in one or more newspapers of said city, of the time of receiving proposals therefor; which bids shall be publicly opened.

Work to be done by contract.

Notice to be published.

7. *And be it enacted*, That when the improvements, in the preceding section mentioned, shall have been completed, the said commissioners shall ascertain all the expenses thereof, including all interest and other costs and charges, and the same shall be assessed upon the lots or parcels of land in front of which such work is done or improvements made; and in making such assessments a brief designation of the lots or parcels of land shall be sufficient to validate the lien thereon; *provided however*, that whenever the said commissioners shall direct any street, or any section of a street, to be repaved, one-half of the total expense thereof, when ascertained, shall be assessed by said commissioners upon all the owners of lots or parcels of land, in front of which such work shall have been done, according and in proportion to the number of lineal feet of land owned by each, and the other half of such expenses shall be paid by the treasurer of the city of New Brunswick, upon presentation to him by said commissioners of a statement of the amount of such expense, or within thirty days thereafter.

Costs and charges to be assessed upon lands.

Proviso.

8. *And be it enacted*, That when said commissioners shall decide that any street, or section of a street, shall be paved a majority of the owners of property, who shall vote in proportion to the number of lineal feet owned by each on the line of the street, or section of a street, to be affected thereby, shall determine what material shall be used in such paving; and it shall be the duty of said commissioners to submit to the said owners an estimate of the cost of the different kinds of pavement prosposed to be laid in such street, and in case there shall not be a majority of such owners to agree upon any particular kind of pavement, the commis-

Commissioners to submit to owners an estimate of cost of pavement to be laid in streets.

Expense to be assessed.

sioners shall decide which of the several kinds proposed shall be laid; and, in either case, the whole expense of laying such pavement shall be assessed upon the owners aforesaid, in proportion to the number of lineal feet of land owned by each in front of which such improvement shall have been made.

Assessments to be entered in a book, and to remain a lien until paid.

9. *And be it enacted*, That the said assessments shall be entered in the books of said commission, to be designated "Books of Assessment for Streets and Sewers," and shall be signed by said commissioners, and a transcript thereof, under the hands and the seal of said commissioners, shall be conclusive evidence of such assessment; and when the said assessments shall be so entered, the same shall be and remain a lien upon the said lots or parcels of land until the said assessments are paid and satisfied; which satisfaction shall be endorsed across said lien in the said book of assessments for streets and sewers, and a transcript of such entry of satisfaction, under the hands and seal of said commissioners, shall be plenary evidence that such lien has been satisfied; and in case any lots or parcels of land assessed for such improvements shall be held by a tenant for years or life, and such tenant shall pay such assessment, he or his legal representatives shall, at the termination of their particular estates, be repaid such principal sum by the reversioner or remainder-man, his heirs or assigns, and shall have a lien upon said lots or parcels of lands for the same, and may 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 the said reversioner or remainder-man had given a mortgage on said land and the proceedings in chancery were for the foreclosure thereof.

Notice to be given to the owner of amount of expenses for improvements.

10. *And be it enacted*, That upon the completion and entry of record of such assessments, the said commissioners shall give notice to the owner or reputed owner of lots or parcels of land so assessed, either by personal service or through the post office, directed to the last known residence of the said owner or reputed owner, of the amount of all the expenses of such improvement upon his or their said lots or parcels of land, and informing him or them that the amounts therein specified must be paid to the said commissioners within sixty days from the date of such notice; and they shall have published, under their hands, in two or more newspapers published in said city, a notice of such assess-

ments, with a brief designation of said lots or parcels of land, the name of the owner or reputed owner, the amount of the expenses assessed thereon; upon failure or neglect of the owner or owners of any of such lots or parcels of land to pay said assessments, with costs, within the sixty days in said notice mentioned, then the said commissioners shall, in addition to the amount of the final assessment, charge interest thereon at the rate of eight per centum for the first year, commencing at the expiration of the said sixty days, and ten per centum for the second year, and twelve per centum for the third year, which interest shall remain a lien upon said lots or parcels of land as the other expenses and assessments are.

Failure to pay assessments interest to be charged.

11. *And be it enacted*, That if any such assessment shall not be paid and satisfied within three years from the date of the notice in the preceding section mentioned, it shall and may be lawful for the said commissioners of streets and sewers, in the city of New Brunswick, to cause such lots or parcels of land to be sold at public auction for the shortest term for which any person will agree to take the same and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute, under their hands and seal, a declaration of such sale, and deliver the same to the purchaser; and such purchaser, his executors, administrators, and assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his or their proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall become completed and ended; and the said declaration shall be recorded in a book kept for that purpose in the office of said commissioners, and shall be cancelled when the same shall be redeemed; and before such sale the said commissioners shall give four weeks' notice of the time and place thereof, as prescribed in the eighth section of this act; and the said land, tenements, or real estate sold may be redeemed by the owner, tenant for years or life, or person interested therein, or by any other person for and in behalf of said owner, at any time within one year from said sale, upon payment of said assessment, with interest, and all costs and charges thereon; *provided*, *however*, that all assessments upon said lands, tenements, or real estate, for the construction of sewers, remaining unpaid, shall be paid and satisfied

Commissioners to sell lands at public auction on failure to pay assessments.

Notice to be given of sale.

Proviso.

at the time of such redemption, and before the cancellation of the declaration of sale; 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; *provided*, that such sale may be adjourned or postponed from time to time by said commissioners.

Proviso.

Mistake in name not to invalidate.

12. *And be it enacted*, That notwithstanding any mistake in the name or names of the owners of any lands, tenements, or real estate, in assessing the same for any improvements authorized by this act, the same shall be valid and effectual in law, if the said lands, tenements, or real estate be sufficiently designated.

May form a plan for sewerage.

13. *And be it enacted*, That it shall be the duty of said commissioners to devise and form a plan for the general sewerage of said city, and having respect to its extension and probable growth, and to cause the same to be delineated on one or more maps or diagrams, and to cause the same to be executed or the sewerage made in whole or by sections, in such manner as not to prevent the completion of the whole as designed.

May contract for building sewers, &c.

14. *And be it enacted*, That the construction of sewers, cross sewers, drains, or culverts may be done by the said commissioners, their agents and workmen, or may be put out by contract, and if by the latter mode, the commissioners, in advertising for proposals therefor, shall reserve the right of rejecting all bids, without question.

May take ground for constructing the works.

15. *And be it enacted*, That the said commissioners, and all persons acting under their authority, shall have the right to use the ground or soil under streets, avenues, lanes or alleys, or railroads in said city, for the purpose of constructing the works contemplated by this act, and to cause the surface of the ground so used to be restored, as nearly as may be, to its original state.

Connections to be made.

16. *And be it enacted*, That all connections with said sewers or drains from any house, building or other place, shall be made in the manner and at the times to be prescribed by said commissioners, and not otherwise.

Commissioners to ascertain the cost and amount to be paid.

17. *And be it enacted*, That when any sewer or section of a sewer, or drains, and other works connected therewith, which shall be by said commissioners directed to be constructed or done, shall be completed, they shall ascertain the whole cost thereof, and the sizes of all lots or separate

parcels of ground drained thereby, and shall fix the amount to be paid for each, in such proportions as may, in the judgment of said commissioners, be just and equitable, and to the whole ascertained cost the commissioners shall add interest at the rate of seven per centum per annum upon all payments made on account of the work during its progress, from the time of payment until thirty days after the first publication of the notice hereinafter directed, and such interest shall be added to and constitute a part of the cost of the work; *provided*, that in making such assessments the same lands or property shall not be subject to more than one assessment for the construction of such sewers and appurtenances; and when the proportion of the whole cost chargeable to each lot or parcel of ground is ascertained in the manner before directed, one week's notice shall be given in two or more newspapers published in said city, briefly designating the lots or parcels of ground, the name or names of the owner or reputed owner, with the amount of the assessment thereon, and of the time and place when payment thereof will be received, if tendered within thirty days next succeeding the date of such notice.

Proviso.

Cost to remain a lien.

18. *And be it enacted*, That when the whole cost of any sewer, or section of any sewer, and the works connected therewith, shall be ascertained, and interest added, and the amount to be paid for each lot fixed, the same shall be a lien upon said lots respectively; and if the same shall not be paid at the end of the sixty days from the first publication of the notice provided for in the preceding section, then the said commissioners shall, in addition to the amount of the final assessment, charge interest thereon at the rate of eight per centum for the first year, commencing at the expiration of the said sixty days, and ten per centum for the second year, and twelve per centum for the third year, and after three years shall have expired, the said commissioners shall proceed to collect the said assessments, with the interest thereon, and costs and charges, in the manner hereinbefore provided for the collection of assessments for grading, curbing and paving streets and sidewalks.

Failure to pay assessments interest to be charged.

Expense of grading, curbing, paving, &c. in front of city property to be paid by treasurer.

19. *And be it enacted*, That the proportion of the expense of grading, curbing, paving and guttering the sidewalks and streets in front of any public property of said city, and also of paving the squares at the intersection of the streets of

said city, and the construction of sewers, whereby the pub lic property of said city is benefitted, shall be paid by the treasurer of said city of New Brunswick, upon presentation to him by said commissioners of a statement of such proportion of the expense, or within thirty days thereafter.

Commissioners to make an annual estimate to common council.

20. *And be it enacted*, That the said commissioners shall annually make and present to the common council of said city, an estimate of the amount of money which will be required to pay for any improvements to the public property of said city, which, or any other improvements by the provisions of this act, is directed to be borne by said city; and it shall be the duty of said common council to cause to be assessed and collected, in the same manner, and at the same time as other city taxes are assessed and collected, the amount of said estimate.

Tax to be assessed on land benefitted.

21. *And be it enacted*, That for the purpose of enabling the said commissioners to pay the expenses incident to keeping in repair and cleansing any sewer which may be constructed by their direction, they are hereby authorized to impose upon each lot of land in said city benefitted by said sewer, and which shall have been assessed for building the same, embracing twenty-five hundred square feet of land or less, an annual tax of fifty cents; which said tax shall be a lien upon said lot, and shall be assessed and collected at the same time and in the same manner as other city taxes are assessed and collected, and paid over to said commissioners as soon as collected.

May employ surveyors, engineers, &c.

22. *And be it enacted*, That the said commissioners are hereby authorized to employ such clerks, surveyors, engineers, draughtsmen [and] counsel, and to allow them such compensation as they may deem proper, and also to provide such office rooms, books and articles necessary for the conduct of their business, and to include all such amounts in their general expenditures; *provided*, the expense under this section shall not exceed five thousand dollars per annum.

Proviso.

Books of record to be kept.

23. *And be it enacted*, That said commissioners shall keep books of record, wherein accounts shall be opened and kept of all expenses incurred, and receipts and disbursements in carrying into effect the provisions of this act; which books shall, during business hours, be open for examination to all persons interested therein; and they may make such charges for recording liens and declarations of sale, not to exceed

ten cents per folio, which sums shall be part of the expenses chargeable to the lots or parcels of land assessed under this act.

Statement to be published.

24. *And be it enacted*, That the said commissioners shall, every six months, publish in two or more of the newspapers published in said city, a detailed statement, by items, of their receipts and disbursements, and also a general statement of all the work in progress or under contract by virtue of the provisions of this act.

Commissioners may issue bonds.

25. *And be it enacted*, That for the purpose of paying all the costs and expenses of grading, curbing, guttering and paving the sidewalks and streets, and the construction of sewers, drains and culverts, and other necessary sewerage works authorized by this act, and all other expenses incident thereto, and of providing for the interest on the bonds to be issued, the said "The Commissioners of Streets and Sewers in the City of New Brunswick," shall be and they are hereby authorized to prepare, and, in their above name, to issue bonds, pledging for the redemption thereof the faith and credit of "The Mayor and Common Council of the City of New Brunswick," to be designated "Improvement Bonds," under the hands of said commissioners, and under the seal of said commission, of such denominations as to them may seem fit, bearing interest at the rate of seven per centum per annum, payable semi-annually, and redeemable in five years from date, and to dispose of the same from time to time, as may be necessary; *provided*, that the whole amount of said bonds so to be issued shall not, in the whole, exceed five hundred thousand dollars, and that not more than fifty thousand dollars of said bonds shall be issued in any three months, and that all bonds shall be countersigned by the mayor of said city for the time being, before the same shall be issued, and the said mayor shall keep a record of the bonds so signed by him; in case of the absence, resignation, inability or refusal of the mayor to countersign said bonds, when so required, then the president of the common council is hereby authorized to countersign the same, and he shall also keep a record as required of the mayor; *and provided further*, that the same shall not be sold for less than their par value, and that the said bonds shall not be liable to any tax which may hereafter be levied or assessed by order of the common council of said city of New Brunswick.

Proviso.

Proviso.

May invest bonds, &c.

26. *And be it enacted*, That to provide a fund for the redemption of the principal and interest of said bonds as they become due, the said commissioners shall invest in the stocks or bonds of the United States, the State of New Jersey, or the counties of this State, the assessments for making any of the improvements authorized and done under this act, when the same is received; all of which said bonds shall, as soon as received, be deposited by the said commissioners in one of the banks of said city of New Brunswick, to be selected by them, to the credit of the sinking fund, for the redemption of the improvement bonds of the city of New Brunswick, the interest thereof, when accrued, to be subject to the draft of the said commissioners, and the principal of said bonds to be applied by the said bank to the redemption of said improvement bonds as the same become due.

Shall give notice to gas and water companies of the paving of any street.

27. *And be it enacted*, That whenever said commissioners shall decide to pave any street, or section of a street, or to construct sewers in any street, they shall give notice of such decision to the water and gas companies in said city, and it shall be the duty of said companies, or either of them to lay their mains, and to make connections with the several lots fronting on said street, where the same has not been already done, before the laying of said pavement or constructing of said sewers; and upon the neglect or refusal of said water and gas companies to lay such mains or to make such connections before the paving of such streets, or the constructing of such sewers, it shall not be lawful for any water or gas company so neglecting or refusing to lay their pipes or to make connections with lots in said streets, after the paving of said streets, or the construction of sewers therein.

Writs of certiorari.

28. *And be it enacted*, That no writ of certiorari shall be allowed or granted to set aside any assessment for any improvement made under this act, after six months shall have expired from the time of entering such assessment, and under such certiorari the court shall inquire of and determine matter of fact, as well as law; and in case any assessment shall for any cause be set aside, the said commissioners shall make a new assessment in accordance with law, and the said new assessment shall be as valid and effectual as if it had been originally made.

29. *And be it enacted*, That for the services performed by said commissioners they shall each receive the sum of fifteen hundred dollars per annum, to be paid as other expenses are paid. Compensation of commissioners.

30. *And be it enacted*, That the said commissioners may prosecute or defend any action or process in law or in equity, by the name of "The Commissioners of Streets and Sewers in the city of New Brunswick," and the expenses therefor shall be paid as other expenses herein authorized. Actions at law.

31. *And be it enacted*, That if any person or persons shall wilfully hinder or interrupt the said commissioners, their agents or workmen, in the grading, curbing, paving, repaving or guttering of the sidewalks or streets, or in the construction of sewers in said city, or shall injure or destroy any portion of said work, or the material therefor, the said person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court. Penalty for injuring work.

32. *And be it enacted*, That an act entled "An Act to organize a board of sewerage for the city of New Brunswick," approved March seventeenth, one thousand eight hundred and seventy, and also all the provisions of "An Act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, one thousand eight hundred and-sixty three, and the several supplements thereto, inconsistent or conflicting with any of the provisions of this act, be and the same are hereby repealed. Repealer.

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

Approved March 23, 1871.

CHAPTER CCCXXII.

An Act for the registration of Births, Marriages and Deaths in the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of clergymen of all denominations, of clerks or keepers of the records of all churches and religious societies, as also of Marriages to be reported to city clerk.

every magistrate and of other persons by or before whom any marriage may hereafter be solemnized or contracted, and of every practising physician, and of every practitioner of midwifery, and of every person conducting the business of undertaker in the city of Newark, to report his, her or their names and place of residence or business to the city clerk of said city, on or before the first day of April next ensuing; and it shall be the duty of the city clerk to have the same properly registered in a suitable book to be provided for that purpose; in the event of any of the persons above specified removing to any other place of residence or business, it shall be their duty to notify the city clerk of the fact within ten days after such removal.

Record of births, how kept.

2. *And be it enacted*, That every physician or other person practicing midwifery in the city of Newark, under whose charge or superintendence a birth shall take place, shall keep a true and exact register of such birth, and shall enter the same on a blank schedule as is now furnished for that purpose; this schedule shall contain a list of the births which have occurred under his or her care during the previous month, and shall set forth as far as the same can be ascertained, the full name of each child, (if any name shall have been conferred,) the date of birth, its sex, its color, the names of its parents and the occupation of the father; and shall be delivered, duly certified by the practitioner, on the first day of each and every month to the city clerk of said city; in case the birth of any child shall have occurred without the attendance of a physician or other practitioner of midwifery, it shall then become the duty of the parent or parents of such child to report its birth to the city clerk in the manner and form above required.

Register of marriages to be kept and return to be made.

3. *And be it enacted*, That it shall be the duty of every clergyman, magistrate and clerk or keeper of the records of any religious society by or before whom any marriage may be solemnized or contracted in the city of Newark, to keep a true and exact register of such marriage, and enter the same on a blank schedule as is now furnished for that purpose, and make a faithful return of the same, duly certified, on the first day of each and every month, to the city clerk of said city; the said schedule shall set forth as far as the same can be ascertained, the full names of the parties married, their age, their previous condition, (whether single or

widowed,) their color, their occupation and residence, and the names of their parents.

Certificates of death to be filed, &c.

4. *And be it enacted*, That whenever any person shall die in the city of Newark after the first day of April next, it shall be the duty of the physician who attended during his or her last sickness, or of the county physician or coroner, when the case shall come under their notice, to leave at the house of the person so deceased, within twenty-four hours after the death, a certificate upon a blank form, such as are now furnished for that purpose, setting forth the full name of the person deceased, and the date and cause of death; to said certificate the undertaker or person having charge of the burial of the body, shall add the residence, age, place of nativity, color, occupation, condition, (whether married or single,) and names of the parents of the deceased, as far as the same can be ascertained, and no body shall be removed for burial until the said certificate is filed with the clerk of the board of health of said city, and a permit issued therefor.

Time of making returns to clerk.

5. *And be it enacted*, That the returns required by the second and third sections of this act to be made to the city clerk, shall be so made for the first time on the first day of May next ensuing, and the persons specified in said sections shall, during the month of April next ensuing, make a full return to the city clerk in the manner and form above prescribed, of all the births which have occurred under their charge or superintendence, or of all the marriages solemnized or contracted by or before them previous to the first day of said month of April, and which have not heretofore been returned to the said city clerk.

Certificate to be filed.

6. *And be it enacted*, That if no births have been attended, or marriages performed by any persons as enumerated in the second and third sections of this act, it shall be their duty to file a certificate to that effect with the city clerk on the first day of each month.

Penalty for refusing to comply with this act.

7. *And be it enacted*, That any person who shall refuse or neglect to comply with any of the provisions of this act, shall forfeit and pay the sum of one hundred dollars for each and every offence, said penalty to be recovered with costs of suit, by the mayor and common council of the city of Newark, for the use of said city, in an action of debt in any court having jurisdiction of actions of debt to the amount of the penalty sought to be recovered.

Approved March 23, 1871.

CHAPTER CCCXXV.

An Act to provide for the more efficient government of the city of Paterson.

TITLE 1.

OF THE CORPORATION AND THE CIVIL DIVISIONS OF THE CITY.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of all that part of the county of Passaic embraced within the limits of the city of Paterson, as now established by law, be and they are hereby constituted and continued a body corporate and politic, in fact and in name, by the name of "The Mayor and Aldermen of the City of Paterson," and they and their successors may use a common seal, and by their corporate name shall be capable in law, within the limits and under the restrictions hereinafter prescribed, of purchasing, holding and conveying, for the use or benefit of the said corporation, any real or personal estate that the good of the corporation may at any time require to be so held, purchased or conveyed; the said The Mayor and Aldermen of the City of Paterson, and their successors, by virtue of this act, shall become and be absolutely and completely vested with all lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and in equity, in possession, reversion or remainder vested in or belonging to said corporation, and shall be liable to pay all just debts incurred or owing by said corporation.

Corporate name.

Powers and liabilities.

2. *And be it enacted*, That the city of Paterson shall be divided into eight wards, the boundaries of which shall be as follows:

Number of wards.

First ward. Boundaries.

I. All that part of the said city, beginning at the point of intersection of the centre line of the Passaic river, Main and North Main streets, running thence: first, northeasterly along the centre line of North Main street to the centre line of Temple street; second, northwesterly along the same to the present division line between the city of

Paterson and the township of Manchester; third, north and southeasterly along the same to the centre line of the Passaic river; and fourth, southwesterly along the same, the several courses thereof, to the beginning, shall constitute the First ward of said city;

Second ward. II. All that part of said city, beginning at the point of intersection of the centre lines of the Passaic river, Main and North Main streets, running thence: first, northeasterly along the centre line of North Main street to the centre line of Temple street; second, northwesterly along the same to the present division line between the city of Paterson and the township of Manchester; third, southeasterly, northwesterly, southwesterly and southeasterly along the same to the centre line of the Passaic river; and thence, fourth, along the same, the several courses thereof, to the beginning, shall constitute the Second ward of said city;

Third ward. III. All that part of said city, beginnlng at the point of intersection of the centre lines of the Passaic river, Main and North Main streets, running thence: first, southwesterly along the centre line of Main street to the centre line of Broadway; second easterly along the same to the centre line of the Passaic river; and thence, third, northerly, north and southwesterly along the same, the several courses thereof, to the beginning, shall constitute the Third ward of said city;

Fourth ward. IV. All that part of the said city, beginning at the point of intersection of the centre lines of Broadway and Main street, running thence: first, southwesterly along the centre line of Main street to the centre line of Market street; second, easterly and southeasterly along the same to the centre line of Madison avenue; third, southwesterly along the same to the centre line of Railway avenue; fourth, southeasterly along the same to the centre line of Crooks avenue; fifth, easterly along the same to the centre line of the Passaic river; sixth, northerly along the same, the several courses thereof, to the centre line of Broadway; and seventh, westerly along the same to the place of beginning, shall constitute the Fourth ward of the city of Paterson;

Fifth ward. V. All that part of the said city, beginning at the point of intersection of the centre lines of Main and Market streets, running thence: first, southwesterly and southerly along the centre line of Main street to the centre line of Clay street; second, easterly along the same to the centre line of Madison avenue; third, northeasterly along the same

to the centre line of Market street; fourth, along the same northwesterly and westerly to the beginning, shall constitute the Fifth ward of said city;

Sixth ward. VI. All that part of said city, beginning at the point of intersection of the centre lines of Main and Market streets, and running thence; first, westerly along the centre line of Market street to the centre line of Spruce street; second, northerly along the same to the centre line of the Passaic river; third, southeasterly, southwesterly and southeasterly along the same, the several courses thereof, to the centre lines of Main and North Main streets; fourth, southerly along the centre line of Main street to the beginning shall constitute the Sixth ward of said city.

Seventh ward. VII. All that part of said city, beginning at the point of intersection of the centre lines of Main and Market streets, running thence: first, westerly along the centre line of Market street to the centre line of Spruce street; second, northerly along the same to the centre line of the Passaic river; third, along the same, the several courses thereof, to the division line between the township of Little Falls and the city of Paterson; fourth, southeasterly along the same to the centre line of West Ninth street; fifth, northeasterly along the same to the centre line of Grand street; sixth, northeasterly along the same to the centre line of Main street; seventh, northerly along the same to the beginning, shall constitute the Seventh ward of said city;

Eighth ward. VIII. All that part of said city, beginning at the point of intersection of the centre lines of Main and Grand streets, running thence: first, along the centre line of Grand street, westerly, to the centre line of West Ninth street; second, southwesterly along the same to the division line between the city of Paterson and the township of Little Falls; third southerly along the same to the division line between Aquackanonk township and the city of Paterson; fourth, southeasterly along the same to the centre line of Crook's avenue; fifth, easterly along the same to the centre line of Railway avenue; sixth, northwesterly along the same to the centre line of Madison avenue; seventh, northeasterly along the same to the centre line of Clay street; eighth, westerly along the same to the centre line of Main street; ninth, northerly along the same to the beginning, shall constitute the Eighth ward of said city.

TITLE II.

OF ELECTIONS, AND THE SELECTION, DUTIES AND OBLIGATIONS OF CITY AND WARD OFFICERS.

City and ward officers, their election, appointment and terms of office.

3. *And be it enacted*, That an election by ballot shall be held annually, on the second Monday in April, in each of the wards and election districts in said city, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at such places as the board of aldermen shall appoint, of which places the city clerk shall give notice at least one week before the day of election, in two daily newspapers published in said city; at the first election under this act, and every second year thereafter, there shall be elected one person to be mayor of said city, who shall hold his office for the term of two years; and at the election held in eighteen hundred and seventy-two, and every second year thereafter, there shall be elected one person to be city clerk, who shall hold his office for the term of two years; and at the said first election, and in each and every year thereafter, there shall be chosen two commissioners of assessment and revision of taxes for said city, and in and for each of the wards in said city, one alderman and one commissioner of public instruction, who shall hold their offices respectively for the term of two years; and one chosen freeholder and one constable, who shall severally hold their offices one year; and in and for each ward and election district there shall be chosen three judges of election and one ward or district clerk, but should any ballot contain the names of more than two persons for judges of election, such ballot shall not be counted with respect to such office; justices of the peace shall be elected in the several wards of said city as prescribed by law for their election in the townships of this State.

Who entitled to vote.

4. *And be it enacted*, That every person who would be entitled to vote by the existing laws of this State, at an election for members of the Legislature, if held on that day, and who is at the time an actual resident of the ward or election district in which he offers his vote, shall be entitled to vote therein, but not elsewhere, for all or any of the officers to be chosen at such election.

Time and mode of city elections.

5. *And be it enacted*, That all elections hereafter held within said city, for officers of the general or State governments, or for county officers, shall be held in the several wards and election districts of the said city, at the place or places therein appointed by the board of aldermen for holding the annual municipal election, and on the day appointed by law for holding such elections, the polls shall be opened and closed at the hours prescribed by law, and the judges and clerks of elections shall conduct such elections within their respective wards or districts according to law; every person in said city entitled to vote at such elections, shall give his vote in the ward or election district in which he actually resides at the time of such election, and not elsewhere; and if any person at any election held in said city shall vote or offer his vote in a ward or election district in which he is not entitled to vote, he shall be liable to the penalty prescribed by law for fraudulent voting.

Statement of result of election to be filed.

6. *And be it enacted*, That the judges and clerks of elections shall have the powers, perform the duties, and receive the compensation at such municipal elections, as judges and clerks at elections for members of the Legislature; immediately after the polls shall be closed the judges of election shall count the votes given for the several candidates, and certify, under their hands, the number given for each, and publicly announce the same; and within three days thereafter they shall deliver one such statement and certificate to the city clerk, and another to the county clerk, to be by them filed in their respective offices.

Meeting of board of canvassers.

7. *And be it enacted*, That at eight o'clock of the Thursday evening next succeeding such election, the city clerk and those aldermen whose terms of office do not expire in that year, shall convene at their usual place of meeting and proceed to canvass the votes given at such election, and the persons having the highest number of votes shall be declared elected, and a statement of the result shall be recorded in a book for that purpose in the city clerk's office, and a copy shall be filed in the county clerk's office, which statement and copy shall be certified by the officer presiding at such meeting, and by the city clerk; and within two days after such canvass the city clerk shall give to each person elected to any city or ward office a certificate thereof, under the seal of the city.

8. *And be it enacted*, That if at any such municipal elec-

tion there shall be a failure to fill any office, except that of mayor, aldermen, or justice of the peace, by reason of two or more persons having received an equal number of votes therefor, the board of aldermen shall, by ballot, elect one of the persons so receiving an equal number of votes, to fill such office; and if there shall be a failure for like cause to fill the office of mayor, alderman, or justice of the peace, a new election for such officer shall be immediately ordered by the board of aldermen.

Failure to elect aldermen to fill vacancy.

9. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of such ward; and when any person elected to any such office shall cease to reside in said city, his office shall thereby become vacant.

Who entitled to vote and hold office.

10. *And be it enacted*, That in case a vacancy occurs in any office by reason of the death, resignation, inability, disqualification, removal or refusal to serve, of any officer of the said city, elected or appointed under this act, it shall be lawful for the board of aldermen to fill such vacancy, by the appointment of a suitable and qualified person for the unexpired term of such office, except the office of mayor, alderman or justice of the peace, which shall be filled by a new election therefor, and except also the office of any officer of the department of public instruction, which shall be filled by the board of education; and if at any municipal election to be held in said city there shall be a vacancy in any office to be filled, and at the same time an election for the full term of such office, the term for which each person shall be voted for at such election shall be designated on the ballot cast therefor.

Vacancy in office to be filled by aldermen.

11. *And be it enacted*, That every person elected or appointed under this act shall, within fifteen days after such election or appointment, take and subscribe before the recorder of said city, or any other legal officer qualified to administer oaths, an oath or affirmation, faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the city clerk's office; and if any person so elected or appointed shall fail so to qualify, then his office shall be deemed vacant, and may be filled as provided in the next preceding section.

Officers to take oath before recorder.

Appointment of officers.

12. *And be it enacted*, That the board of aldermen, at the first regular meeting in May in each year, or within three months thereafter, shall, by the vote of a majority of all its members, appoint a clerk of the board of aldermen, a comptroller, a city treasurer, a superintendent of streets and sewers, a city surveyor, a superintendent of out-door relief, a superintendent of in-door relief, a city physician, and a city counsel, who shall be a counsellor at law; and shall from time to time appoint such other subordinate officers as it shall deem necessary for the ordering and governing of the city, and the execution of the powers and duties conferred and imposed upon the corporation by this act; the officers above named shall hold their several offices for one year, unless sooner removed, and until their successors shall be appointed and qualified.

Officers to be governed by ordinances, and how removed.

13. *And be it enacted*, That all the officers of the corporation shall be governed by such general ordinances as the board of aldermen may from time to time adopt, not inconsistent with the provisions of this act, and every officer, except the mayor, may be removed from office for cause, by a two-thirds vote of all the members of the board of aldermen, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defence; but the provisions of this section shall not apply to any member or officer of the department of public instruction.

Aldermen to have power to make arrests without warrant

14. *And be it enacted*, That any alderman of said city, during his term of office, shall have power, on witnessing any breach of the peace, forthwith to arrest the offender or offenders, and to commit him, her or them for a hearing, without a warrant for that purpose first being issued.

Salaries to be prescribed by ordinance or resolution.

15 *And be it enacted*, That the salaries of all officers elected or appointed under or by virtue of the provisions of this act, shall be prescribed by ordinance or resolution of the board of aldermen, and the salary or compensation of any officer which has been fixed as aforesaid, shall not be increased or diminished during his term of office; and any fees paid to any officer for any services required of him by this act, or by any ordinance or resolution of the board of aldermen, shall immediately, on the receipt thereof, be paid by such officer into the city treasury.

Officers of trust to give bonds.

16. *And be it enacted*, That every officer of the city, to whom the receipts or expenditures of the money or funds of

the city shall be entrusted, shall give such bond, to be approved by the comptroller and the finance committee of the board of aldermen, for the faithful performanee of his duties, as the said board shall by ordinance prescribe, which bond shall be filed and preserved in the office of the comptroller.

City clerk.

17. *And be it enacted*, That the city clerk shall also be chief clerk of the board of aldermen, and shall attend its meetings, keep a record of its proceedings in a book for that purpose, and regularly publish the same in two daily newspapers printed and published in said city; and record all ordinances in a book for that purpose, with proper indices, and every ordinance so recorded shall be signed by the mayor, or acting mayor, the president of the board of aldermen, and the city clerk.

Officers to deliver to successors all property, &c.

18. *And be it enacted*, That it shall be the duty of every officer in said city, within ten days after the expiration of his term of office, or his removal therefrom, to deliver to his successor in office, or to such person as the board of aldermen may appoint, all books, records, papers, vouchers, and property of every kind in his possession or under his control, belonging to said city or appertaining to such office.

No aldermen, &c. to hold office or be interested in any contract, &c.

19. *And be it enacted*, That no alderman or commissioner of public instruction shall hold any other office of profit or trust under this act, and any alderman or commissioner accepting any such office, shall be deemed to thereby vacate his office of alderman or commissioner; nor shall any alderman, commissioner of public instruction, chief of bureau, deputy thereof, or clerk therein, or other officer of the corporation, be directly or indirectly interested in any contract, work or business, or the sale or supply of any article, the expense, price or consideration of which is paid by the city; and the comptroller shall countersign no warrant drawn for the payment of, and the city treasurer shall pay no claim presented for on or account of the same, and any officer violating the provisions of this section shall forfeit his office.

Constables to give bonds and take oath.

20. *And be it enacted*, That every constable of said city, before he enters upon the duties of his office, shall take and subscribe, before the city clerk, an oath or affirmation, in the form prescribed for constables of townships, in the nineteenth section of an act entitled "An act incorporating the inhabitants of townships, and designating their meetings," using the word "city" instead of "township," and the said

city clerk 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 so endorsed in his office; and every constable of said city, before he enters upon the duties of his office, shall enter into bonds to The Mayor and Aldermen of the City of Paterson, with one or more sureties, to be approved by the board of aldermen, in such sum as may be fixed by ordinance from time to time, and in the manner, as near as may be, as prescribed in the first section of an act 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 The Mayor and Aldermen of the City of Paterson are hereby directed and required, if need be, to prosecute the said bond for the use of any person or persons who may claim to have sustained loss by the neglect or misconduct of the said constable; *provided*, that the cost of said prosecution shall be paid by the party claiming to have been injured, should he fail to sustain his said claim.

TITLE III.

OF LEGISLATIVE POWER.

Board of aldermen.

21. *And be it enacted*, That the legislative power of the said corporation shall continue to be vested in a board of aldermen, composed of two aldermen from each ward, divided into two classes, as heretofore, and who shall constitute and be called the board of aldermen of the city of Paterson.

Annual meeting.

22. *And be it enacted*, That the annual meeting of the board of aldermen shall be held at two o'clock in the afternoon, on the third Monday in April, in each year, and the said board shall then proceed to elect, by a majority vote, one of the members thereof president, who shall appoint all standing committees of the board, subject to its approval; a majority of the whole number of members of said board shall constitute a quorum for the transaction of business, but any number may adjourn from time to time; the city clerk shall call special meetings of the said board on the

written request of the mayor, or the president of the board, or of three aldermen.

Power of board of aldermen.

23. *And be it enacted*, That the said board shall have power: first, to choose a president pro tempore, in the absence of the president; second, to choose officers; third, to establish its own rules of procedure; fourth, to judge of the qualifications of its members; fifth, to keep a journal of its proceedings; sixth, to compel the attendance of absent members; seventh, to punish a member for disorderly behavior; eighth, to expel a member for violation of its rules, with the concurrence of two-thirds of the members of the board, having first given the delinquent member five days' notice of a time and place, when and where he may be heard in his own defence; the said board, or any of its committees, shall have power to issue writs of subpœna, and compel the attendance of witnesses, and may administer oaths or affirmations in all matters pertaining to the business of the board.

Ordinances, how passed.

24. *And be it enacted*, That every legislative act of the board of aldermen shall be by ordinance, passed by a vote of the majority of all its members, and in case any ordinance involves the expenditure of money, the votes of two-thirds of all the members of said board shall be necessary to its passage, and no money shall be expended for any celebration, procession or entertainment of any kind, unless by the votes of four-fifths of all the members of said board; no additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the board of aldermen except by a unanimous vote thereof; every ordinance shall be read three times before its final passage, and not more than twice at one meeting of the board, and every ordinance involving the expenditure of money, or affecting personal liberty, shall be published for the space of five days in two daily newspapers of the city of Paterson, between its second and third readings.

Ordinances to be signed by the mayor.

25. *And be it enacted*, That every ordinance passed by the board of aldermen, shall, before it takes effect, be presented, duly certified by the president of the board and the city clerk, to the mayor, who, if he approves the same, shall sign it, and if he do not approve it, shall return it with his objections, to the clerk, within ten days after the presenting

thereof, and if he do not return it with such objections within the time above specified, it shall take effect as if approved by him; whenever any ordinance shall have been returned with objections, as aforesaid, to the board of aldermen, the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, and shall proceed to reconsider the same, and if, on a reconsideration, it shall pass the board by a vote of a majority of all the members thereof, it shall take effect; in all such cases the votes shall be taken by ayes and noes, and entered in full on the journal of said board; every ordinance, when passed, shall be published for the space of five days, in two daily newspapers printed and published in said city, before the same shall take effect; the publication of all ordinances, as herein required, shall, in all cases where a right of action for the recovery of a penalty, before the recorder, is given, be presumed to have been made, until the contrary be proved.

Aldermen may make ordinances.

26. *And be it enacted*, That the board of aldermen shall have power to make, continue, modify, and repeal such ordinances, regulations and resolutions, as may be necessary to carry into effect any and all of the powers vested by law in the corporation, and shall have power to enforce obedience thereto and observance thereof, by the imposition of fines, not exceeding fifty dollars, or by imprisonment, not exceeding thirty days, or by both; and shall have power, within the said city, to make, establish, publish, modify, amend and repeal ordinances, resolutions, rules, regulations and by-laws, in the matters and for the purposes following, in addition to other powers elsewhere specially granted, viz:

Finances.

I. To manage, regulate and control the finances, and the real and personal property of the city;

Riots.

II. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages;

Gaming houses, &c.

III. To restrain and suppress disorderly and gaming houses, and houses of ill-fame, and all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices;

Drunkards, &c.

IV. To restrain and punish drunkards, vagrants, mendicants and street beggars;

V. To establish, regulate and control a day and night

police, to regulate and define the manner of their appointment and removal, their duties and compensation; Police.

VI. To license and regulate inns, taverns, saloons, porter houses, restaurants, victualling houses and cellars in said city; Inns and taverns.

VII. To ascertain and establish the water lines of the Passaic river, and the boundaries of streets, highways, public lanes and alleys in said city, and to prevent and remove all encroachments beyond said water lines, and upon said streets, highways, lanes and alleys; Boundaries of streets, &c.

VIII. To regulate, clean and keep in repair the streets, highways and sidewalks, to prevent and remove obstructions and encumbrances in and upon the same; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets of the city; and to enforce the removal of snow, ice or dirt from the sidewalks or gutters thereof, by the owners or occupants of the premises fronting thereon; Regulate and clean streets.

IX. To regulate and prevent the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign or post, or erection, or any projection in, over or upon any street or avenue, and to remove the same at the expense of the owner or occupant of the premises; To prevent erection of stoops, &c.

X. To regulate the naming of streets, avenues and public places, and the numbering of the houses and lots therein; Naming o streets, &c.

XI. To regulate and prevent the throwing or depositing of ashes, offal, dirt or garbage in the streets; Prevent dirt in streets.

XII. To provide for and regulate street pavements, crosswalks, curbstones, gutters and sidewalks; Pavements cross walks, &c.

XIII. To regulate or prohibit public criers, advertising noises, ringing bells, and musicians in the streets; Noises.

XIV. In relation to the use of the streets, highways, roads and public places by pedestrians, equestrians, vehicles, railways and locomotives; Use of streets.

XV. In relation to the use of guns, pistols, firearms, firecrackers and fireworks of all descriptions within the city; Fireworks, &c.

XVI. In relation to public shows, exhibitions and places of public amusement, the licensing and prohibiting thereof; Public shows.

XVII. In relation to exhibiting placards or flags in or across the streets, or from houses; Placards and flags.

XVIII. In relation to the licensing and business of public cartmen, truckmen, hackmen, cabmen, omnibus men, express Peddlers, hackdrivers, &c.

men, pawnbrokers, junk dealers, hawkers, peddlers, boot-blacks, common criers and scavengers;

Birds. XIX. In relation to the preservation of birds;

Dogs. XX. To regulate and prevent the running at large of dogs; to authorize the destruction of the same when running at large, to require a registration of dogs, and to exact a fee therefor from their owners;

Lamps. XXI. To provide lamps, and to light the streets and public places of every description in said city with gas, oil or other illuminating substances;

Wells, pumps. XXII. To preserve and regulate wells, pumps and cisterns in the public streets;

Bathing, &c. XXIII. To regulate or prohibit swimming or bathing in the waters in or bounding the city;

Weights and measures. XXIV. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description which is sold by weight or measure, to cause his or her weights and measures to be examined and sealed by some person appointed for the purpose;

Auctioneers. XXV. In relation to licensing and regulating auctioneers, and the giving of bonds by them for the faithful performance of their duties.

Board of aldermen by ordinance to declare the amount of money to be raised.

27. *And be it enacted*, That on or before the second Monday in June, in each year, the board of aldermen shall by ordinance declare the amount of money necessary for defraying the expenses of said city for the current year, and for all other objects and purposes authorized by this act, and for the payment of all legal debts and liabilities of said city, which sum shall be assessed and collected as hereinafter prescribed; and in the said sum shall be included the cost of assessing and collecting the same, and a reasonable allowance for losses by delinquents, but the whole sum so declared to be necessary to be raised by tax shall not exceed two per centum of the gross valuation of taxable property in said city, as reported by the commissioners of assessment and revision of taxes in that year; the said board shall establish, from time to time, as it shall see fit, boundary lines in said city, for the purpose of exempting certain portions of the city from taxation for supplying the city with light and water; the said board may also allow a deduction, at the rate of twelve per centum per annum, to be made on all

taxes paid before they fall due; it shall be lawful for the said board to make temporary loans in anticipation of city taxes and assessments levied under the direction of the department of streets and sewers, as hereinafter mentioned, such loans to be, with any renewals thereof, for a period not exceeding one year, and not to exceed the amount of such anticipated taxes and assessments for such current year.

TITLE IV.

OF EXECUTIVE POWER.

Mayor.

28. *And be it enacted*, That the executive power of the corporation shall be vested in the mayor, and in the departments and city officers hereinafter named; the mayor shall be a member of all standing committees of the board of aldermen, and shall be an ex-officio member of the department of public instruction, but shall have no vote therein.

Power and duties of mayor.

29. *And be it enacted*, That the mayor shall have the power, and it shall be his duty,

Statement of finances.

I. To communicate to the board of aldermen, at least once a year, a general statement of the finances, government and improvements of the city;

Health of the city.

II. To recommend to the board of aldermen all such measures connected with the security, health, cleanliness, and ornament of the city, and the protection and improvement of its government and finances, as he shall deem expedient;

To enforce ordinances and to quell riots.

III. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced, and in case of any riot, disturbance, or disorderly assemblage, to control the constables and police force of the city; to call upon citizens for assistance, if necessary, or to call out the military of said city, and employ them in quelling the same;

To suspend any chief of bureau or clerk.

IV. To suspend any chief of bureau or clerk therein for cause; but he shall immediately present a written statement of his reasons therefor to the department in which such officer is employed, and to the board of aldermen; and at the expiration of one week after presentation of such statement, such officer may be reinstated by the said board; and unless

reinstated within two weeks after such presentation, his office shall be vacant;

To require information from departments.

V. To require from heads of departments or chiefs of bureaus, whenever requisite, any information relative to the condition and workings of their several departments and bureaus, and suggestions as to the improvement thereof;

VI. To exercise, when he shall deem it proper, all the powers of a police-constable of said city, and in general to perform such duties as may be prescribed for him by the city ordinances and the laws of the State; and, as far as possible, promote good order and efficient government in said city.

Vacancy in office of mayor.

30. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall in any way be prevented from attending to the duties of his office, the president of the board of aldermen, or if the said president shall be absent or disabled, the president elected pro tempore shall act as mayor, and possess all the rights and powers of that officer during such vacancy, or while said mayor is prevented from officiating as aforesaid; but it shall not be lawful for the acting mayor to sign or approve any resolution or ordinance of the board of aldermen, or to suspend or appoint any city officer, unless the disability of the mayor shall have continued at least ten days.

Executive departments.

31. *And be it enacted*, That the co-ordinate executive departments shall be as follows: the department of finance, the department of public instruction, the department of streets and sewers, the department of charities and correction, the department of health, and the fire department, all of which, except that of public instruction, shall be composed of and be managed and controlled by the members of the appropriate standing committees of the board of aldermen, and governed and regulated by the ordinances from time to time adopted by said board.

Policemen, how appointed.

32. *And be it enacted*, That the mayor shall appoint all policemen for said city, subject to the confirmation of the board of aldermen, and he shall have power to suspend any policeman, but shall immediately upon so doing communicate the fact of such suspension, with the reasons therefor, to the said board; and no policeman appointed or confirmed as aforesaid, shall be removed except for cause, and by the votes of a majority of all the members of said board; the mayor shall appoint one person from among the police force

of said city, in May next, after the passage of this act, to be chief of police, subject to the confirmation of said board, who shall perform the same duties as other policemen, and such additional duties as the board of aldermen shall by ordinance require of him; and the said chief of police shall hold such office during good behavior, unless sooner removed by a two-thirds vote of all the members of said board.

Compensation of police.

33. *And be it enacted*, That in all actions now pending or to be brought hereafter before the recorder of said city, and in all proceedings in any of the criminal courts of the county of Passaic, the police officers of said city shall possess the same powers, perform the same duties and receive the same compensation as constables of the county of Passaic in like cases, except that no such officer shall receive any compensation for services under proceedings before said recorder.

TITLE V.

OF THE DEPARTMENT OF FINANCE.

Department of finance.

34. *And be it enacted*, That the fiscal affairs of the corporation shall be under the management and control of the department of finance; the said department shall prescribe the forms of keeping and rendering all city accounts, the manner in which all salaries shall be drawn, and the mode in which all creditors, officers and employees of the corporation shall be paid, and shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor; and no bill incurred by any other department or officer under the direction and control of the board of aldermen shall be paid without the approval of the said department of finance, except by a four-fifths vote of the board of aldermen; all bonds issued in the name of the corporation shall be issued under the supervision and direction of said department.

Bureaus of finance.

35. *And be it enacted*, That there shall be the following bureaus in the said department of finance, viz:

I. A bureau of assessment and revision of taxes;

II. A bureau of collections;

III. A bureau of licenses;

IV. A bureau of auditing and accounts:
V. A bureau of disbursements.

I—BUREAU OF ASSESSMENT AND REVISION OF TAXES.

Commissioners of assessment and revision of taxes, how elected and term of office,

36. *And be it enacted*, That the bureau of assessment and revision of taxes shall be managed and controlled by five "commissioners of assessment and revision of taxes," who shall be residents and voters of the city of Paterson, and shall hold their offices for two years respectively; four of said commissioners shall be elected by the people, at the annual municipal elections, and the fifth shall be appointed by the board of aldermen, on the nomination of the mayor.

Election of commissioners of assessment and revision of taxes.

37. *And be it enacted*, That at the first municipal election held in said city after the passage of this act, there shall be elected, in the same manner as other city officers voted for by the people are elected, four persons to serve as such commissioners of assessment and revision of taxes; no elector shall vote for more than two such commissioners at such municipal election, but in case any ballot shall contain the names of more than two persons for such office, such ballot shall not be wholly rejected, but only so much thereof as relates to such commissioners; and the four persons receiving the highest number of votes shall be declared elected commissioners of assessment and revision of taxes; at their first meeting after their election the said commissioners so elected shall determine, by lot, the terms during which they shall hold their offices, and these shall be as follows: two of them shall remain in office two years, and two of them one year, to be severally computed from the second Monday in May next; their successors shall be chosen at the municipal election held in each year, but no elector shall vote for more than one commissioner, and no ballot containing the name of more than one person for such commissioner shall be counted as to that office; and the two persons receiving the highest number of votes for such office shall be declared elected, and shall hold their offices for two years from the second Monday in May next succeeding their election; at the first meeting of the board of aldermen in May next, and in May of every second year thereafter, the said board, on the nomination of the mayor, shall appoint a fifth commissioner of assessment and revision of taxes, who shall

hold his position for two years from the second Monday in May, of the year of his appointment.

Removal from office and vacancies how filled.

38. *And be it enacted*, That any of said commissioners may be removed from office for good cause shown, on the recommendation of the finance committee of the board of aldermen, and by a four-fifths vote of all the members of the board of aldermen; vacancies occuring in such office shall be filled for the unexpired term by the said board, on the nomination of the mayor.

Time and place of meeting of commissioners and their powers.

39. *And be it enacted*, That the said commissioners of assessment and revision of taxes shall meet on the second Monday in May next, at three o'clock in the afternoon, and on the second Monday in May in each year thereafter; and at such meeting they shall elect one of their number to be president, who shall hold said office one year, or during the pleasure of such board of commissioners; a majority of said commissioners shall be a quorum for the transaction of business, and they shall have power to adjourn from time to time, and to make such general rules and regulations for their own proceedings as are not inconsistent with the provisions of this act, or the ordinances of the board of aldermen passed in accordance herewith; they may provide their own books and stationery, and employ such clerks and other subordinates as the department of finance may authorize; *provided*, that the expense for the same shall not exceed the amount appropriated therefor, and may remove the said appointees at pleasure; all such clerks and other subordinates shall make oath or affirmation before the recorder, faithfully and impartially to discharge the duties of their several offices, before entering thereon, and they shall perform such duties in the way of procuring information, data and statistics, and such other clerical duties as may be required of them by the said board of commissioners; the said board shall file in the office of the city clerk a certificate of the appointment of any subordinate or subordinates, endorsed by the department of finance, also a certificate of the removal of such subordinate or subordinates, with the date thereof.

Proviso.

The city to be divided into assessment districts and make a valuation and assessment of all taxable property.

40. *And be it enacted*, That the said commissioners of assessment and revision of taxes, having duly organized, immediately after the second Monday in May, in each year, shall divide the city into five or more assessment districts, and proceed to make a full and fair valuation, enumeration

and assessment of all the taxable property, real and personal, in said city, but mortgages on such property in said city shall not be taxed in the hands of any person in this State; in making such valuations, the commissioners shall rate property at what, in their judgment, it would be rated at by any creditor of a solvent debtor, willing to take the same in payment of a fair and just debt; the commissioners shall tabulate and arrange such valuations, enumerations and assessments in lists, which shall exhibit in alphabetical order the names of all persons, firms, companies or corporations liable to be assessed to pay any tax, designating the lands, tenements and real estate by the numbers of the streets or avenues, as far as practicable, as laid down on the maps prepared, or to be prepared for that purpose, together with the value, enumeration and assessment of the objects liable to taxation for which such person, firm, company or corporation is liable: at the time of making these valuations, enumerations and assessments, the commissioners shall also make out lists showing the name and residence of each male inhabitant of said city of the age of twenty-one years and upwards, upon whom they shall assess such poll tax as may be required by law, or by any ordinance of the board of aldermen passed in conformity with any statute in force at the date of the passage of this act.

Commissioners to determine per centage upon valuation of property.

41. *And be it enacted*, That the said commissioners, or such of their number as they shall designate for that purpose, shall attend all meetings of the county board of assessors of Passaic county which shall be convened according to law, and in the proceedings of said body shall be entitled to as many votes as there are wards in the city of Paterson; and on the day succeeding the adjournment of the annual meeting of said county board, the said commissioners shall proceed to fix and determine such a percentage upon the gross valuation for that year of the taxable property in said city, within and without the exempt districts, as will produce the amount of tax declared by the board of aldermen to be necessary for State, county and city purposes, exclusive of the amount of money to be raised by poll tax, which shall be declared by them to be the rate of taxation for said year; but should said rate exceed two per centum of the gross valuation of taxable property in said city in said year, the said commissioners shall notify the board of aldermen thereof, and thereupon it shall be the duty of the

said board to so modify the tax ordinance previously adopted that the amount of money therein declared necessary to be raised in that year shall not exceed two per centum of the gross valuation of taxable property as aforesaid; and the said commissioners shall complete said lists accordingly, assessing to each person, firm, company or corporation named therein, his, her, their or its proportion of the State, county and city taxes.

Lists to be opened for inspection, examination and correction.

42. *And be it enacted*, That the said commissioners shall complete said lists on or before the second Monday in July in each year, and shall give notice in two daily newspapers in said city, at least ten days prior to the said second Monday in July, that the said lists will be opened for public inspection, examination and correction at some suitable place in said city, on said day, and continue open until the first Monday in August then next ensuing, during which time the said public notice shall continue to be published; the said commissioners shall also serve, or cause to be served, upon all persons taxed, notices of the amount of their assessment, the rate per centum of taxation, the amount of their State, county and city taxes, and their poll tax, and any other annual assessments or taxes levied upon or charged to their property, and when and where the said commissioners will meet for the revision of taxes, as herein provided; the said notices shall be served personally upon the parties taxed, as far as practicable, or left at their place of residence or business, or forwarded to them by mail; but the failure of said commissioners to serve or forward such notice, or the non-receipt of such notice by any party taxed, shall not be a defence for the non-payment of the tax or taxes levied upon such party; during the meeting of said commissioners from the second Monday in July to the first Monday in August, inclusive, they shall hear and consider all complaints touching said valuations and assessments, and shall increase or reduce said assessments, and alter or modify said lists according to law, and as to them may appear just and equitable; but no valuation or assessment shall be increased without a previous notice, in writing, of five days to the party interested, which notice shall be left by a commissioner or agent of the commissioners, at the residence or place of business of such party, or forwarded to him by mail.

Notices to be served upon all persons assessed.

Commissioners to hear and consider all complaints, and may increase or reduce assessments.

Persons liable to taxation to render an account.

43. *And be it enacted*, That the said commissioners shall have power, in the performance of their duties, to require all parties liable to taxation to render an account of their

taxable property, in such manner as they shall direct, and to require by summons the attendance of witnesses, and the production of books and papers; in case of the refusal of any person, when called upon by the said commissioners, or their officers or agents, to give his name, or any information required for the purposes of this act, or in case of the refusal of the proprietor or keeper of any dwelling house, boarding house, or inn, to give the names of the residents in said house, or any such other information, as aforesaid; or in case any person shall deliver to any of said officers or agents any list, statement or return, which in the opinion of the said board of commissioners may be false or fraudulent, it shall be lawful for the said commissioners to summon such person so refusing, or delivering such list, statement or return, as aforesaid, to appear before the said commissioners and to give testimony, and to answer any questions, under oath or affirmation, which oath or affirmation either of said commissioners is hereby authorized to administer, respecting any matters, in the opinion of said commissioners, connected with the discharge of their duties; such summons may be served by any of said commissioners, or any of their agents, and in case any person so summoned shall neglect or refuse to obey such summons, or to give testimony, or to answer questions as required, it shall be lawful for said commissioners to place such valuation upon the property of the person so refusing to answer, as will in their opinion fully and fairly cover its value, from which valuation the party so assessed shall have no appeal; or upon affidavit setting forth the facts, to apply to any judge of any circuit court of New Jersey, or any judge of the court of common pleas of Passaic county, for an attachment against such person as for a contempt; it shall be the duty of such judge to hear such application, and if satisfactory proof be made, to issue an attachment, directed to any constable or police officer of said city, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case, and the said judge shall have power to enforce, by imprisonment in the county jail, obedience to the requirements of the summons of said commissioners, and payment of the costs of said proceedings, which costs shall be taxed by the said judge.

44. *And be it enacted*, That on or before the third Monday

in August, in each year, the said commissioners shall deliver the said lists of enumerations, valuations and assessments, completed in the manner hereinbefore prescribed, to the receiver of taxes and assessments of said city, hereinafter mentioned, under the oath or affirmation of the president, or some other one of said commissioners, that the same is correct, and within ten days thereafter they shall deliver a duplicate thereof to the city clerk, to be by him preserved; and they shall also prepare, in tabular form, condensed summaries of the statistics collected by them, showing for each ward and for the whole city the whole number of taxed and exempt polls, the number of lots, the number of houses and the valuations of real estate, and the valuations of personal property; the said duplicate and the said condensed summaries shall be authenticated in the same manner as the assessment lists delivered to the receiver of taxes and assessments, and one copy of such condensed summary shall be filed in the office of the city clerk, and another copy in the office of the clerk of Passaic county; the assessment lists so prepared and completed by the said commissioners shall in no case be altered or modified by the board of aldermen of said city; and notwithstanding any error or omission in naming the true owner or owners of any real property in said city, in assessing taxes or in charging other assessments thereon, such assessments shall be valid and effectual in law against such real property, as if no error or omission had occurred.

Commissioners to deliver lists to the receiver of taxes.

45. *And be it enacted*, That the said commissioners shall meet on the first Monday in September, in each year, and from day to day thereafter for not more than two weeks, giving notice in two daily newspapers of said city, of such meeting for at least ten days prior thereto, and continuing such notice during such meeting; at the said meeting they shall have power to hear and determine appeals from said assessments and valuations by all persons who shall make it appear by affidavit to the satisfaction of said commissioners that they were absent from the city or disabled by sickness during the whole interval from the second Monday in July to the first Monday in August, above mentioned; the said commissioners may, upon sufficient proof, by a majority vote of their whole number, correct the valuations and assessments of said appellants, as they shall deem right and proper, and give to each appellant a certificate of such correction;

Commissioners to meet and hear and determine all appeals from assessments.

on or before the fourth Monday in September, the said commissioners shall deliver to the comptroller of said city a true and particular statement of all taxes so remitted, reduced or increased by them, and any person whose assessment has been reduced or remitted by said commissioners may present the said certificate to the said comptroller, who shall compare the same with the statement of altered assessments delivered to him as above mentioned, and if found correct he shall audit and certify the same, and furnish the appellant with a warrant on the city treasurer for the amount overpaid; no appeal or review by certiorari or otherwise, from or of any assessments for taxes, shall be allowed by any court, unless application for relief shall have been first made to and disallowed by the said commissioners when sitting for the revision of assessments as hereinbefore described.

Assessment to remain a lien on lands, &c.

46. *And be it enacted*, That any assessment or levy of taxes hereafter made in said city against any person, firm, company or corporation on account of any lands, tenements, hereditaments or real estate of such person, firm, company or corporation, shall be and remain a lien on all the property on account of which such assessment is made, with twelve per centum interest thereon accruing, and all costs and penalties in relation to said assessments and the collection thereof, from the time when the taxes so as aforesaid assessed were payable.

II—BUREAU OF COLLECTIONS.

Bureau of collections, receiver of taxes and assessments.

47. *And be it enacted*, That the executive officer of the bureau of collections shall be known as the "receiver of taxes and assessments;" he shall be appointed by the board of aldermen, at its first regular meeting in May next, and at the first regular meeting in May in each third year thereafter, and shall hold his office for three years, and until his successor has been appointed and has qualified; but the present "collector of revenue" of said city shall, if he so choose, hold the office of "receiver of taxes and assessments," under this act, until the second Monday in May, in the year one thousand eight hundred and seventy-two, subject to the provisions of this act, and receiving only the compensation herein fixed for such "receiver;" *provided*, he shall notify the board of aldermen, in writing, of his inten-

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tion so to do, not less than ten days before the first regular meeting of said board, in May next; in which case a "receiver of taxes and assessments," shall be appointed by the board of aldermen, at its first regular meeting in May, in the year one thousand eight hundred and seventy-two, and at the first regular meeting in May, in each third year thereafter, and such receiver shall hold his office for three years, and until his successor has been appointed and has qualified; the said receiver of taxes and assessments shall give bonds in the penal sum of one hundred thousand dollars, signed by at least five freeholders of said city, and approved by the finance committee of the board of aldermen, conditioned for the faithful performance of his duties.

May appoint deputies.

48. *And be it enacted*, That the said receiver may, with the advice and consent of the department of finance, appoint a deputy or deputies, who shall have power to do all and every act or acts which shall or may be lawful for the said receiver to do, and every warrant or order directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said receiver of taxes and assessments; but no more than fifteen hundred dollars per year shall be paid from the city treasury for such deputy or deputies.

Compensation of deputies.

Receiver to receive and collect all taxes and assessments.

49. *And be it enacted*, That it shall be the duty of the said receiver of taxes and assessments to receive and collect all moneys due the city for taxes, or assessments, or for arrears thereof, and to pay the same in to the city treasury at least once in each week, taking a receipt therefor; he shall keep a record of all his proceedings affecting the receipt or collection of such taxes and assessments, in such manner as the department of finance may prescribe, and at the end of each current year such record, or a copy thereof, shall be filed in the office of the city clerk.

Public notice to be given of the time and place where taxes shall be paid.

50. *And be it enacted*, That within one month after the aforesaid lists of enumerations, valuations and assessments have been delivered by the said commissioners of assessment and revision of taxes to the said receiver of taxes and assessments, the said receiver shall give public notice in two daily newspapers of said city, of the time and place, when and where said taxes shall be payable to him, and when interest and penalties will be added to all taxes remaining unpaid, and the publication of said notice shall be continued until the fourteenth day of October, in each year.

Interest to be charged on unpaid taxes.

51. *And be it enacted*, That the said receiver shall add five per centum to the whole amount of all taxes remaining unpaid on the fifteenth day of October, in each year, and on the fifteenth day of December he shall add an additional five per centum to all taxes then remaining on his books unpaid, making in all ten per centum additional on all taxes remaining unpaid on said fifteenth day of December, as a penalty for non-payment; and on the said last mentioned day interest shall be charged upon all unpaid taxes, at the rate of twelve per centum per annum, from the fourteenth day of October then last past, in addition to said penalties, and all taxes remaining unpaid thereafter shall be charged at the rate of twelve per centum per annum until paid.

Receiver to sell property for non-payment of taxes.

52. *And be it enacted*, That on and after the fifteenth day of January, in each year, it shall be the duty of the said receiver to levy and make any tax assessed on real or personal property still unpaid, with costs, penalties and interest, by distress and sale of the goods and chattels of any such delinquent, giving at least five days' notice of the time and place of such sale, by advertisements signed by himself and set up conspicuously at his office, and in five other of the most public places in said city, and served upon such delinquent at least five days before the time appointed for such sale; the proceeds of such sale shall be applied first to the satisfaction of the tax on the personal estate of such delinquent, with costs, penalties and interest thereon, and next to the satisfaction of the tax on the real estate of such delinquent, with the costs, penalties and interest thereon.

Statement to be made of taxes unpaid.

53. *And be it enacted*, That on or before the third Monday in May, in each year, the said receiver shall present to the board of aldermen a full return and statement, for each of the wards of the city of Paterson, of the taxes remaining unpaid, in whole or in part, on the first day of said month, and on or before the first Monday of July, in that year, the said board shall issue an order to the said receiver, signed by the mayor and the city clerk, and bearing the corporate seal of said city, to sell real estate, as hereinafter provided, for the satisfaction of such unpaid taxes.

Receiver to give notice of time and place of sale of lands, &c.

54. *And be it enacted*, That the said receiver of taxes and assessments, to whom such order shall be directed, before he sell by virtue thereof, shall give notice of the time and place of the sale of any lands, tenements, hereditaments, or real estate, under this act, by advertisements signed by him and

inserted in the daily newspaper printed and published in said city, having the largest circulation, and continued therein for six weeks, once in each week, before the time appointed for such sale, but he may adjourn such sale from time to time, not exceeding sixty days in all; in such advertisements he shall describe said land and real estate, by giving the number of each lot on the street or avenue on which it may be situated, and the name of the owner, if known, and if the name of the owner be unknown then it shall be so stated, with such other short description as may be necessary to identify the said lands or real estate; the charges made for such advertisement shall be according to the rates established by law for legal advertising, and shall be computed only by the amount of space actually occupied by such advertisement, and not constructively.

Receiver to sell lands.

55. *And be it enacted*, That it shall and may be lawful for the said receiver to whom such order shall be directed, at the time and place specified in said advertisemet, or at the time and place to which he shall adjourn, to sell and strike off such lands, tenements, hereditaments, or real estate, as may be set forth in said order, or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may have been assessed as aforesaid on account thereof, and the penalties and interest thereon, together with the cost of advertising, and the auctioneer's fees thereon, which fees shall not exceed fifty cents; if at such sale no person bids for any property offered, such property shall be strnck off to the city of Paterson for the term of fifty years, and the certificate of sale received by the city for such property shall be assignable, and all the provisions of this act relative to such tax sales shall apply to the city as to any other purchaser.

Receiver to execute and deliver certificate of sale.

56. *And be it enacted*, That when any lands, tenements, hereditaments, or real estate shall have been disposed of as provided in the next preceding section, the said receiver shall execute and deliver to the person or persons so agreeing to take such property so disposed of, a certificate of sale on the payment of the arrears of taxes assessed on such property, and the interest, penalties and costs thereon, which certificate shall set forth the amount of each, and also the fact that the person or persons to whom such certificate has been issued, his, her, or their heirs or assignees, shall be

entitled to take a deed for such property so purchased, at the expiration of twelve months from the issue of such certificate, unless the said property shall have been previously redeemed as hereinafter prescribed.

Notices to be served upon owners of land by the purchasers on receiving certificate of sale.

57. *And be it enacted*, That within two months after receiving such certificate of sale it shall be the duty of the person or persons receiving the same to serve upon the owner or owners of such property so by him or them bought, a notice or notices, informing the said owner or owners of when, by whom, and for what term the said property has been bought, and when and at what expense the same may be redeemed, as provided in the next following section, which notice or notices may be served personally on said owner or owners, if resident within the said city, or by leaving the same at the place of abode in said city of such owner or owners, or if not resident within said city then by mailing the same, postage prepaid, to the post office address of such owner or owners if the same upon due inquiry can be ascertained; if the owner or owners be unknown, or his, her or their address cannot be ascertained, then such notice or notices shall be served upon the principal occupant of such property, if the same be occupied; the person or persons receiving any such certificate of sale shall file in the office of the said receiver of taxes and assessments an affidavit of such service as herein required, or why the same could not be made, which affidavit shall be so filed before the holder of any such certificate shall be entitled to receive a deed for the property for which the certificate of sale was issued.

Owners may redeem lands.

58. *And be it enacted*, That at any time within twelve months after the issue of such certificate of sale of any property so disposed of for arrears of taxes, the owner, mortgagee, tenant, or any person having a legal or equitable interest in such property, his, her or their agent or attorney, acting in his, her or their behalf, may redeem such property so sold, by paying to the said receiver of taxes and assessments the sum of money paid for such property at such tax sale, together with twelve per centum interest thereon; thereupon it shall be the duty of the said receiver to receive and pay such moneys to the city treasurer and cancel the certificate of sale of such property so redeemed, on his books, and upon the surrender to him of such certificate of sale to give to the legal holder or holders thereof, an order

on the city treasurer for the payment of said moneys so paid to the said receiver for the redemption of such property, and the said city treasurer shall pay the same as thus required.

Deed of sale to be executed if property is not redeemed.

59. *And be it enacted*, That unless the said property shall be redeemed as provided in the next preceding section, at the expiration of twelve months from the issuing of the said certificate of sale, the said receiver shall execute and deliver to the holder or holders of such certificate, his, her or their assignee or assignees a deed for such property, under his hand and seal, and for the execution and acknowledgment thereof he shall be entitled to receive two dollars and a half for the use of the city, and the said deed shall recite the authority under and by which such conveyance is made; any person or persons, his, her or their legal representatives to whom such deed of such property so sold for taxes shall be delivered shall, by virtue thereof be entitled to possession of and shall hold and enjoy the said lands, tenements, hereditaments or real estate during the term for which he, she or they shall have purchased the same, for his, her or their own proper use and benefit, against the owner or owners thereof, and all and every person or persons claiming under him, her or them until said term shall be fully completed and ended, and shall be at liberty at or before the expiration of said term to remove any building or buildings, fence or fences, and any material erected or placed by him, her or them thereon, and when said term shall have been ended shall quietly and peaceably yield up the same to the lawful owner or owners thereof, his, her or their legal representatives, in as good condition as when he, she or they took possession of the same, damage resulting from ordinary use and elements excepted.

Record of certificates and deeds to be kept.

60. *And be it enacted*, That the said receiver shall record in a book or books, to be provided for that purpose, all tax certificates and deeds by him executed and delivered as hereinbefore required; the said record shall be kept in the office of the said receiver, and shall be open to inspection at all reasonable times, and it shall be the duty of the said receiver to make searches for sales and records thereof, and to give certified copies of any tax certificates or deeds so recorded, for which he shall be entitled to receive, for the use of the city, the sum of one dollar.

III.—BUREAU OF LICENSES.

Register of licenses.

61. *And be it enacted*, That the executive officer of the bureau of licenses shall be known as the "register of licenses."

Licenses.

62. *And be it enacted*, That all licenses granted by virtue of the ordinances of the board of aldermen shall issue from this bureau, bearing its stamp and the signature of the said register, on the payment of the fees or charges prescribed by such ordinances.

Licenses to be granted on payment of fees.

63. *And be it enacted*, That no such license shall be granted except upon the payment to said register the fees prescribed therefor by the board of aldermen, and every license so granted shall be subject to revocation at any time for such cause and in such manner as the board of aldermen shall, from time to time, prescribe by ordinance.

Record of licenses to be kept and moneys to be paid treasurer.

64. *And be it enacted*, That the said register shall keep a record of all licenses or permits issued from said bureau, in appropriate books, and at the close of each day shall pay over to the city treasurer all moneys received by said bureau, and take from the said treasurer a receipt therefor; and the register shall report to the board of aldermen monthly the receipts of said bureau, from the several kinds of licenses issued.

Money appropriated for support of police.

65. *And be it enacted*, That all moneys paid into this bureau shall be appropriated to the support of the police force of said city.

City clerk to be register of licenses.

66. *And be it enacted*, That for two years after the passage of this act, and thereafter, until otherwise ordered by the board of alderman, the city clerk for the time being, shall be the register of licenses.

IV.—BUREAU OF AUDITING AND ACCOUNTS.

Comptroller.

67. *And be it enacted*, That the comptroller shall be the executive officer of the bureau of auditing and accounts; he shall keep an accurate account of all moneys due the corporation, audit all claims against the same, and make a written report thereon to the board of aldermen, at least once in each month, and when so ordered by the said board, he shall draw warrants upon the city treasurer for the payment of claims, subject to the limitations herein provided.

68. *And be it enacted*, That no costs shall be recovered

against The Mayor and Aldermen of the city Paterson, in an action brought against the corporation for any unliquidated claim, which has not been presented to the said comptroller to be audited, nor for any unliquidated claim which shall have been allowed in part by the board of aldermen, unless the recovery shall be for a greater sum than the amount allowed by the said board, with the interest thereon from the time it was allowed. No claim allowed unless audited.

69. *And be it enacted*, That whenever the total amount of the moneys designated in the tax ordinances, and raised by tax for any specific purpose in any year, shall be expended or appropriated, the said comptroller shall immediately notify the mayor, the city treasurer and the board of aldermen thereof; and no further or other appropriation shall be made, nor ordinance, nor resolution passed, which shall involve the expenditure of money during the said fiscal year, for that purpose, except by a three-fourths vote of all the members of the board of aldermen; the comptroller shall draw no warrant upon the city treasurer, upon any specific account, for such an amount as will exceed the appropriation in the tax ordinance of that year for that purpose, unless the same shall have been ordered by a three-fourths vote of the board of aldermen, after the said board shall have received the notification above mentioned. Comptroller's duties.

70. *And be it enacted*, That any officer who shall knowingly approve, sign, certify or countersign any warrant or other instrument for the payment of any sum which shall exceed the said appropriation, after the said notification, unless the same shall have been passed by a three-fourths vote of the board of aldermen as aforesaid, and any alderman who shall order any work, involving the expenditure of money, to be done for said city, after such notification to the board of aldermen as aforesaid, shall be severally deemed guilty of malfeasance in office, and shall thereby vacate his office; no suit, action, or proceeding in law or in equity shall be brought against said city to recover any debt contracted, or compensation for, or in respect of any work done or authorized to be done, or damages for violation of any contract made, contrary to the provisions of this section, until after the first Monday in July next succeeding the incurring of such debt, or the violation of such contract. Officer guilty of malfeasance to vacate his office. Actions at law.

71. *And be it enacted*, That the said comptroller shall present to the board of aldermen at its first regular meeting

Comptroller to make monthly trial balance sheets.

in each month, a full trial balance sheet from his ledger, for the preceding month, showing the balances to the credit of the several appropriations at the beginning of the fiscal year, the amounts appropriated in the annual tax ordinance, the amount expended on each account in each month, and the whole amount expended on each account up to the date of such report; and the said trial balance sheet shall be published at least once in two daily newspapers in said city.

Record of all bonds, scrip and certificates to be kept.

72. *And be it enacted*, That the said comptroller shall make and preserve a record of all city bonds or temporary loan certificates, or improvement scrip issued pursuant to or in accordance with the provisions of this act, which record shall show the date and amount of the issue of such bonds, loan certificates or scrip, to whom sold, the proceeds thereof, and when the interest and principal fall due; each of the bonds or obligations hereafter issued by the board of aldermen under the authority to make temporary loans in anticipation of taxes, by this act conferred, shall be countersigned by said comptroller, and shall have legibly written or stamped upon its face the words, "Issued in anticipation of taxes for the year ——," designating the year in which they are levied; but in no case shall such bonds or other obligations be issued to a greater amount than the sum of the unpaid taxes for the said year.

V.—BUREAU OF DISBURSEMENTS.

Powers and duties of treasurer.

73. *And be it enacted*, That the city treasurer shall be the executive officer of the bureau of disbursements; it shall be his duty to receive all moneys paid into any other bureau or department, or from the sale of any property belonging to the corporation, or from rents, mortgages, or the sale of city bonds, and to disburse the same upon the warrant of the comptroller, or of the department of public instruction; in no case shall the public money be drawn from the city treasury except it be first specifically appropriated by the board of aldermen to some public object requiring the outlay; and the drawing of the same shall be based upon full and detailed statements in writing, which shall be placed on file by said treasurer.

Treasurer to pay quota of taxes.

74. *And be it enacted*, That the said city treasurer shall pay over to the collector of the county of Passaic, on he first day of November, and weekly thereafter in each year,

so much of the quota of taxes required by law to be raised in said city for State and county purposes as shall have been received by him, and on the twentieth day of December, in each year, he shall pay over to said collector the balance of said quota then remaining unpaid.

Statements to be made by treasurer.

75. *And be it enacted*, That it shall be the duty of the said city treasurer to present to the board of aldermen at its first regular meeting in each month, a statement, in ledger form, of the cash transactions of the month, showing the sources of receipts, by departments and bureaus, the proceeds of the sales of bonds and property of the corporation, and also the objects to which the expenditures were particularly appropriated, and the said statement shall be published at least once in two daily newspapers of said city; the city treasurer shall, also, within ten days after the close of each fiscal year, which fiscal year shall end on the twentieth day of March in each and every caelndar year, present a similar statement, showing in detail the receipts for such fiscal year, for what and to whom expenditures were made, and also under general heads the indebtedness of the city and the available assets for its liquidation, which statement, having been first examined and approved by the department of finance, shall be presented to the board of aldermen, which shall cause the same, or the substance thereof, to be published in two daily newspapers of said city at least five days before the next ensuing municipal election.

TITLE VI.

OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

Commissioners of public instruction.

76. *And be it enacted*, That the department of public instruction in said city shall be composed of and shall be managed and controlled by two commissioners of public instruction from each ward of said city, who shall be divided into two classes, one class going out of office in one year and the other class in another year; the said commissioners and their successors, having been chosen and qualified in he manner hereinbefore prescribed, shall be and they are tereby incorporated by the name of "The Board of Educa- h on of the city of Paterson," and by that name shall be ested with all the powers and privileges appertaining to cor-

Board of education.

porate bodies, so far as the same are or may be necessary to carry into effect the provisions of this act.

Organization of commissioners.

77. *And be it enacted*, That the said commissioners of public instruction shall meet in said city at ten o'clock on the morning of the Monday next succeeding each municipal election, and shall elect one of their number to be president, who shall continue in office one year, and until his successor has been chosen, unless sooner removed by a two-thirds vote of the whole number of said commissioners; in case of a vacancy in said office, the said commissioners may elect a president to fill the unexpired term; a majority of the whole number of commissioners elected shall be a quorum for the transaction of business.

Office to be declared vacant.

78. *And be it enacted*, That in case any commissioner of public instruction shall refuse or neglect to attend any three successive stated meetings of the said board, after having been personally notified to attend, and without giving satisfactory reasons for his non-attendance, his office may be declared vacant by a majority of the commissioners elected.

Secretary.

79. *And be it enacted*, That the said commissioners shall have power to annually elect a suitable person to be the secretary of the board of education, who shall keep a record of their official proceedings, and have the same regularly published in two daily newspapers of said city, and perform such other duties as the board may direct.

Superintendent of public instruction.

80. *And be it enacted*, That at their first regular meeting in May next, and every third year thereafter, the said commissioners shall elect a qualified person to be city superintendent of public instruction, who shall hold his office for three years, unless sooner removed for cause by a two-thirds vote of all the commissioners elected; the said city superintendent shall be the executive officer of the department of public instruction, and it shall be his duty, subject to the direction of the said board, to supervise the public schools and school property of said city; to see that the rules and regulations of the board for the government of the schools are enforced; to recommend such changes therein from time to time as he shall deem expedient; to furnish any information in his power concerning said schools to the state superintendent or any other city superintendent of schools in this State, when desired; and to perform such other duties as may be required of him by law or by the board.

Board of examiners.

81. *And be it enacted*, That the board of education shall appoint two or more citizens of said city to constitute, with the said city superintendent of public instruction, a board of examiners, which shall have power, subject to such general rules and regulations as the board of education may prescribe, to examine and issue certificates of their qualifications to all persons applying for positions as teachers in the public schools of said city, or who are already employed therein in that capacity.

Power of board of education.

82. *And be it enacted*, That the board of education shall have power

May hold real estate, &c.

I. To take and hold, in the name of the mayor and aldermen of the city of Paterson, property, both real and personal, granted, conveyed, devised or bequeathed to it for the purposes of public instruction, in the city of Paterson, and to keep the same in proper repair;

To make rules and to expel members.

II. To make rules for the government of its own proceedings, and to expel a member for violation thereof, by a two-thirds vote of all the members elected, having first given the offender an opportunity to be heard in his own defence;

Employ teachers

III. To select and employ teachers duly licensed by the board of examiners;

Employ officers.

IV. To select and employ such other officers not herein named as may be necessary for the efficient management of the schools;

Fix salaries.

V. To fix the salaries of all officers and teachers employed, but the salary of any officer elected or appointed for a specified term shall neither be increased nor diminished while such officer holds such office;

Remove officers or teachers.

VI. To remove any officer or teacher for conduct prejudicial to the school system of the city;

Establish public schools.

VII. To organize and establish in said city such public schools as the public convenience may require, and to control, regulate and manage the same;

Adopt rules and regulations for admission of children.

VIII. To admit to said public schools, under such rules and regulations as the board may adopt, any child from the age of five to eighteen years, inclusive, whose parents or guardians reside in said city, and such other children as are under the charge and control of a resident of said city; but nothing herein contained shall be construed to prohibit the admission of persons more than eighteen years of age to

such normal and evening schools as the board may from time to time establish ;

Provide furniture.

IX. To provide school furniture, books, stationery and fuel, and to incur such incidental expenses for the maintenance of said public schools as may be necessary ;

Draw money for school purposes, &c.

X. To draw from the moneys which shall be raised for the purposes of public instruction in said city, such sums as may be required to defray the necessary current expenses of the board, incurred under the provisions of this act; but the said board shall at no time incur any liabilities exceeding the amount appropriated for such expenses.

To sell personal property.

XI. To dispose of personal property under the charge of the board when it may be deemed for the interest of the school so to do ; but the proceeds of the sale of such property shall be paid into the city treasury, and be placed to the credit of the board.

Duties of board f education.

83. *And be it enacted*, That it shall be the duty of the board of education

To make report.

I. To prepare and transmit to the mayor and board of aldermen, at least fifteen days before the municipal election in each year, a report in writing, setting forth: first, the number of schools under the charge of the department of public instruction ; second, the grades of such schools ; third, the number, names and positions and salaries of the teachers employed therein ; fourth, the whole number of pupils enrolled during the year, the number on roll at the time of making such report, and the actual average attendance of pupils during the preceding year, which average shall be computed in the mode prescribed by the State board of education ; fifth, the annual cost of each and every school and the annual cost per capita of the average attendance ; sixth, the several items or bills of expenditure paid by said board during the preceding year, under the respective heads of salaries of officers, teachers and janitors, incidental repairs of school house, incidental expenditures for school furniture, cost of school books and stationery, cost of advertising, publishing and printing, of fuel, light and water, and of incidental expenses; seventh, the several sums paid by the said board during the preceding year for the purchase of school sites, the erections or alterations of school buildings, and the furnishing of the same, and other expenditures on account of permanent improvements ; eighth, such other statistical items of information as may be of general interest,

or as may be required by the State board of education, together with such general remarks in regard to the progress and management of the schools as the board may deem advisable;

Estimate of moneys necessary for public schools.

II. To prepare and transmit to the board of aldermen at the same time, with the annual report above mentioned, a certified statement of the amount of money considered by the board of education to be necessary for the support of the public schools under its charge in said city for the ensuing year, which statement shall particularly specify the sums required under the several heads of current expenditure above mentioned;

Estimate of improvements.

III. To prepare and transmit at the same time an estimate, as near as may be, of the probable expenditures on account of permanent improvements for the ensuing year;

Publish annual report and estimates.

IV. To cause the said annual report and the said estimates to be published in pamphlet form, convenient for distribution, and to publish the same or a synopsis thereof in two daily newspapers of said city, within five days after their transmission to the mayor and board of aldermen;

To contract for supplies.

V. To obtain, by contract when practicable, all supplies involving an expenditure of upwards of two hundred and fifty dollars required by the public schools of said city; proposals for such supplies shall be solicited by advertisements in two daily newspapers of said city, and shall be published therein for at least ten days previous to the awarding of a contract, and such contract shall be made with the lowest bidder, who shall give satisfactory security for the performance thereof; *provided, however*, that the board may reject any or all bids; Proviso.

Visit schools.

VI. To visit every public school in said city at least four times in each year, and advise and consult with the teachers;

Make by-laws for government of schools.

VII. To make and enforce such by-laws and regulations for the government of said schools as will secure and promote an economical and efficient system of public instruction in said city.

Sum certified by board to be incorporated in tax ordinance.

84. *And be it enacted*, That the sum certified by the board of education, as provided in the second clause of the next preceding section of this act, to be necessary for defraying the current expenses of the department of public instruction for each successive year, shall thereby become appropriated for that purpose, and shall be incorporated in

the general tax ordinance of that year; but the said sum shall not, with the State appropriation, exceed thirteen dollars per scholar on the average number reported by the board of education as enrolled in the public schools in the preceeding year.

Schools, how established.

85. *And be it enacted*, That whenever the said board of education shall decide to establish a school or schools in said city, it shall procure a school house by hiring the same, or if a majority of all the members elected so decide, by vote, at a regular meeting of the board, by purchasing a site in the name of The Mayor and Aldermen of the City of Paterson, and erecting the necessary buildings thereon, according to plans and specifications which shall be procured and approved by the said board; the erection of such buildings, and the furnishing and fitting up thereof, and the altering, furnishing and fitting up of any hired or other buildings shall be done by contract, proposals for which shall be solicited by advertisements published in two daily newspapers of said city for at least two weeks, unless such altering, furnishing and fitting up shall not exceed five hundred dollars in cost; in all cases such contract shall be awarded to the lowest bidder, who shall give satisfactory security for the faithful performance thereof; *provided, however*, that the said board shall have the right to reject any or all bids, and advertise anew for other proposals; the said board shall at no time enter into any contract or contracts which singly or in the aggregate shall require the payment from the city treasury of more than twenty thousand dollars in any one year, in addition to the sum annually appproprietated for the current expenses of the schools, as hereinbefore prescribed.

Proviso.

Aldermen to appropriate money for building of school houses.

86. *And be it enacted*, That whenever any contract shall be made for purchasing a site for a public school in said city, or for erecting, altering, furnishing or fitting up any building for school purposes, as provided in the next preceding section, the expense of which is to exceed one thousand dollars, it shall be the duty of the said board to lay before the board of aldermen of said city a copy of such contract, showing in detail the amount of money to be expended by the city thereunder; and the said board of aldermen shall appropriate from time to time such sum or sums of money as may be required by the board of education for the fulfil-

ment of such contract, and all sums of money so appropriated shall be subject to the draft of said board.

Aldermen to issue bonds.

87. *And be it enacted*, That for the purpose of raising the money so required by the board of education for the fulfilment of such contract or contracts, The Mayor and Aldermen of the City of Paterson shall have power to issue seven per centum coupon bonds, with interest payable semi-annually, to be redeemable at a period not exceeding forty years from the issuing thereof, and to be sold at not less than par; the said bonds shall be free and exempt from all State, county and municipal taxes, and the credit of said city, and all the real and personal property thereof, shall be pledged for the payment of the interest and principal of such bonds when due.

Treasurer to keep a separate account.

88. *And be it enacted*, That whenever the appropriations aforesaid shall have been made, the city clerk shall notify the board of education and the city treasurer thereof, and it shall thereupon be the duty of the said treasurer to place such sums so appropriated to the credit of the board of education; he shall keep the accounts of said board entirely separate from other accounts on his books, charging under one head the payments on account of current expenses, and under another head the payments on account of erections or permanent improvements executed under the direction of the said department of public instruction, and he shall pay, on presentation to him, all drafts drawn upon him by said department, duly attested by the signatures of the president and the secretary of the board of education, to an amount not exceeding the balance remaining on his books to the credit of the said department; each draft so presented shall state the purpose for which it is given, and whether for current expense account or for permanent improvement account, and shall be made payable to the order of the person entitled to receive the same, and be endorsed by said person on the receipt thereof.

State school fund.

89. *And be it enacted*, That the said city shall be entitled to a full quota of the moneys appropriated by the trustees of the State school fund to the county of Passaic, which, when received, shall be deposited with the city treasurer to the credit of the board of education.

Title to school property.

90. *And be it enacted*, That the title to all school property, real and personal, purchased with money derived from the State school fund, or raised by taxation or other-

wise in said city, shall be vested in The Mayor and Aldermen of the city of Paterson; and all actions brought in any court against any person or body corporate, for damages for and on account of any injury to such property, shall be in the name of The Mayor and Aldermen of the city of Paterson; but all damages which may be recovered in such actions shall be placed to the credit of the board of education.

List of children to be made.

91. *And be it enacted*, That it shall be the duty of the commissioners of assessment and revision of taxes, and they are hereby required, at the time of making their annual enumerations, valuations and assessments, to make a list of all the children between the ages of five and eighteen years, inclusive, within each of the wards, and each of the school districts of said city, specifying the age of each child in years, together with the names and nativity and residence of the parents or guardians of such children, and to deliver the said list, properly certified, on or before the first day of August, annually, to the city superintendent of public instruction, who shall report the whole number of such children to the state superintendent of public schools.

TITLE VII.

OF THE DEPARTMENT OF STREETS AND SEWERS.

Powers of the department of streets and sewers.

92. *And be it enacted*, That the department of streets and sewers shall be charged with the execution of the following powers of the board of aldermen of said city, which powers are hereby conferred on said board, namely:

To lay out streets, &c.

I. To lay out, open, vacate, straighten, widen or alter any street, avenue, road, highway, or alley within said city, and to take such lands and real estate as may be necessary therefor, upon making compensation in the manner hereinafter prescribed;

Streets to be improved at expense of owners of lands.

II. To order and cause any street or section of a street to be graded, curbed, guttered, graveled, macadamized, flagged, or otherwise improved or regulated as the said board may deem advisable, at the expense of the owners of lands and real estate on the line of such street or section of a street benefitted thereby;

III. To construct in said city such sewers and drains as may be necessary in any streets, houses, yards and places requiring drainage; to enter upon any lands for the purpose of making surveys and examinations therefor; to use the ground or soil under any street, avenue, road, highway, alley, court, or railway within the city for the purpose of constructing such sewers and drains; and to employ and provide for the compensation of all agents necessary for the efficient construction of such works; May construct sewers and drains.

IV. To check or change the course of any natural brook, creek or small watercourse in the city of Paterson, whenever the same shall be adjudged by said board to be a public nuisance and detrimental to the public health; and no owner of lands fronting on or adjoining such brook, creek, or small watercourse, shall recover damages on account of such checking or changing the course of the same. May change course of strerms

93. *And be it enacted*, That whenever the labor and materials required for the completion of any one work belonging to this department shall require in the whole the expenditure of a sum exceeding five hundred dollars, such work shall be done under a contract drawn in such general form as the board of aldermen may prescribe, unless by a vote of three-fourths of the members elected to said board it shall be otherwise ordered; all such contracts shall be awarded upon sealed proposals made in compliance with public notice duly advertised for at least ten days in two daily newspapers of said city, and the said proposals shall be publicly opened by the department of streets and sewers, in the presence of the department of finance and the comptroller, and all such contracts shall be awarded to the lowest bidder, *provided, however*, that the said department of streets and sewers may reject any or all bids and advertise anew as before. Work to be done by contract. Proviso.

94. *And be it enacted*, That all contractors with the city shall enter into good and sufficient bonds for the faithful performance of their respective contracts; said bonds to be drawn and executed in the manner prescribed and required by ordinance, and approved by the department of finance, and all contracts shall contain provisions as to the time of commencing and completing the work therein specified, and for the retention of at least twenty per centum of the contract price until the completion of such work, and for the forfeiture of said contract for non-performance of the terms thereof; no contract shall be awarded to any person who is Contractors to give bonds.

in arrears to the corporation, either of work as a contractor, or of money as a surety.

Contract to be filed.

95. *And be it enacted*, That every contract, when entered into as herein provided, shall be executed in duplicate, and shall be filed in the bureau of auditing and accounts, of the department of finance; a receipt for each payment made on account, or in satisfaction of the same, shall be endorsed on the said contract by the party receiving the warrant for such payment, which warrant shall be given only to the person interested in such contract, or to his represeniative, authorized, in writing, who shall file his authorization in said bureau.

Receipts to be endorsed.

Bureaus.

96. *And be it enacted*, That there shall be the following bureaus in this department:

I. A bureau of street openings;
II. A bureau of street improvements;
III. A bureau of sewers and drains;
IV. A bureau of surveys;
V. A bureau of assessments and estimates.

I—BUREAU OF STREET OPENINGS.

Bureau of street openings.

97. *And be it enacted*, That the bureau of street openings shall be under the management and control of a board of street openings, composed of the commissioners of assessment and revision of taxes, for the time being.

Notice to be given of opening &c., of any street.

98. *And be it enacted*, That whenever any application shall be made for the opening, altering, or widening of any street, avenue, highway, or alley, or when the board of aldermen shall propose to open, alter, or widen any street, highway, or alley, the said board of aldermen shall give twenty days' notice in two daily newspapers in said city of such proposition, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections, in writing, at the office of the superintendent of streets and sewers on or before the expiration of twenty days from the date of such notice, and at any time thereafter the board of aldermen may proceed to consider any ordinance relating to such work or improvement, and any such ordinance shall be passed only in the manner hereinbefore prescribed for the passage of ordinances affecting personal liberty or the expenditure of money, and upon the

passage of such ordinance, the city clerk shall forthwith notify the board of street openings thereof.

Board to make estimate and assessment of damages and benefits.

99. *And be it enacted*, That upon receiving such notification it shall be the duty of the said board to make an estimate and assessment of the damages and benefits to result from such work or improvement; the said board shall give at least five days' notice of their first meeting, in two daily newspapers of said city, and shall have power to examine witnesses under oath or affirmation, to be administered by either of the members thereof, to enter upon and view any premises likely to be damaged or benefitted by such proposed work, and to adjourn from time to time; they shall cause a survey and map of such work or improvement to be made by the city surveyor, and of the lots or parcels of land to be benefitted or damaged thereby, and shall fairly and equitably assess such estimated costs on the lands and real estate to be thus benefitted; but if in the judgment of said board said estimated costs shall exceed the value of the benefits to result from such proposed work or improvement, then, and in that case, said board shall have power to assess upon the city at large a portion not exceeding fifty per centum of such estimated excess of costs over benefits to result from such proposed work, and the proportion so assessed upon the city shall be raised and paid for by general tax, as other taxes are; no allowance shall be made for damages for any erections taken in whole or in part upon the line of any street or avenue which shall have been laid out and established by the board of aldermen, and not subsequently vacated before such erection was begun; in the estimate of costs of such work or improvement there shall be included the sum of one hundred dollars, to reimburse the city for expenses incurred in the prosecution thereof.

Map to be made.

Report and map to be filed.

100. *And be it enacted*, That within thirty days after receiving the notification aforesaid, the board of street openings shall file in the office of the superintendent of streets and sewers, a map and report, signed by all or any three members of the said board, of the proposed work or improvement, showing the precise nature thereof, and the assessments upon, and the allowances to the parties benefitted or damaged thereby, and thereupon the said superintendent shall forthwith give ten days' notice in two daily newspapers of the said city that such map and report have been filed

Objections, how made.

in his office, and that parties objecting to such assessments and allowances shall present their objections in writing at his office within ten days from the date of such notice; it shall be the duty of the department of streets and sewers to examine such objections, and to report thereon at the regular meeting of the board of aldermen next succeeding the expiration of such notice, with such recommendations as to said department may seem proper.

Board of aldermen may modify or confirm report.

101. *And be it enacted*, That at such meeting, or within two months thereafter, the board of aldermen shall consider the said reports, and may modify or confirm the report of the board of street openings which report, when so modified or confirmed, shall be deemed final; but, if written objections to the report of the said board of street openings were filed in the office of the superintendent of streets and sewers, as provided in the next preceding section, and signed by at least three-fourths of the parties assessed, or their agents, duly authorized, then and in that case the proposed work or improvement shall not be proceeded with in that year, nor under the same proceedings, unless otherwise ordered by a three-fourths vote of all the members elected to the board of aldermen, and all costs and expenses incurred by said board in such discontinued proceedings shall, when the same have been incurred under an application, be repaid to the city by the petitioners for such work or improvement, unless the payment thereof be assumed by the board of aldermen in the name of the corporation, by a two-thirds vote of all the members elected to said board.

Railroad companies liable to assessments.

102. *And be it enacted*, That in making the assessment aforesaid for the widening or altering of any street, avenue, or highway occupied or used by the track of any railroad company, it shall be lawful for the said board of street openings in their discretion to assess the whole or any fair proportion of the costs, damages and expenses of such widening or altering upon the corporation or company owning or using said railroad track, as to them shall seem equitable and just.

Proceedings in case any person is dissatisfied with report and confirmation.

103. *And be it enacted*, That any person dissatisfied with such report, so modified or confirmed by the board of aldermen, may appeal therefrom by proceeding in the form of petition to the circuit court of said county, which petition shall be filed with the clerk of said court during the first term thereof after the confirmation of said report, written

notice of such appeal having been served upon the mayor and clerk of said city at least ten days before filing such petition; thereupon the said court shall become vested with full right and power to direct a proper issue for the trial of said appeal, and shall at said term order a jury to be empannelled and sworn, as in other cases, and a view of the premises to be had, if desired by either of the parties to such appeal, and the issue to be tried at the succeeding term of said court, to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; it shall be the duty of the jury to assess the value of the said lands or real estate, and the damages sustained, and if they shall find a greater sum than the board of street openings have awarded, or the board of aldermen have offered to said owner or owners, then judgment thereon, with costs, shall be entered against the corporation and execution awarded thereon; but if the jury shall find the same or a less sum than the commissioners awarded, or the board of aldermen offered, then the said costs shall be paid by the party appealing, and either deducted out of the sum found by the said jury or execution awarded therefor, as the court shall direct; but the city shall have power to enter upon and take said lands or real estate necessary for such work or improvement upon the payment or the tender of the sum awarded therefor by the board of street openings, as modified or confirmed by the board of aldermen.

May enter upon and take lands for improvements.

104. *And be it enacted*, That in case the lands so valued or damaged by such taking, shall be held by a tenant for life or years, and the fee in remainder or reversion, the said board of street openings shall in their report apportion such value and damages between them; in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives shall, at the termination of his estate, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may by bill in chancery have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said revisioner had given a mortgage on said lands, and said bill were filed for the foreclosure thereof, and such lien shall have priority of all other encumbrances.

Tenant to have lien on lands on payment of assessment.

Board to keep a full record of proceedings.

105. *And be it enacted*, That it shall be the duty of the board of street openings to keep a full and complete record of their official proceedings, in a book provided for that purpose, in such manner as the department of streets and sewers shall direct; the said record shall contain a minute of all ordinances of the board of aldermen relating to the bureau of street openings, of the reports from said bureau, and the revision or confirmation thereof by the board of aldermen, and the said records shall be signed by the board of street openings, or any three members thereof.

Statement of damages to be made.

106. *And be it enacted*, That when any proceedings under the direction of the said bureau shall be completed, it shall be the duty of the said board of street openings to transmit to the city treasurer a statement, certified by said board, or a majority thereof, and by the city clerk, setting forth the party or parties to whom allowances have been made for damages in excess of assessed benefits, either by said board, or by the board of aldermen, or by the circuit or supreme court; and thereupon it shall be the duty of the city

Treasurer to pay damages.

treasurer to pay to the owner of said lands, if a resident in the city, the amount of such allowance due to him; and if the owner cannot be found, or be not a resident of said city, or if he refuse or be unable to accept the same, by reason of incapacity, then the same shall be placed to his credit on the books of the city treasurer, who shall file in the office of the city clerk an affidavit as to the facts of the case; the said board of street openings shall also, at the time of transmitting the aforesaid statement to the city treasurer, transmit to the receiver of taxes and assessments a statement showing what parties are required to pay for the costs of executing such proposed work or improvement, and the sums severally due from them.

Buildings to remain.

107. *And be it enacted*, That the board of aldermen may permit any building which shall be either partly or wholly on and within the lines of any street, avenue, road or highway which may be opened, widened or altered, to remain unmoved for such time as to said board may seem expedient.

II.—BUREAU OF STREET IMPROVEMENTS.

108. *And be it enacted*, That the executive officer of the bureau of street improvements shall be the superintendent

of streets and sewers, who shall be charged with the duty of keeping the streets, avenues, roads, highways, alleys and courts within the city clean, free from needless obstructions and in good condition, and with the execution of all ordinances of the board of aldermen relative to street improvements, except when the same may be placed under the supervision of some other officer by the order of the board. Power and duties of superintendent of streets and sewers.

109. *And be it enacted*, That when any application shall have been made to the board of aldermen for grading or changing the grade of, or for curbing, guttering, flagging, graveling, macadamizing, paving, or otherwise improving or regulating any street, avenue, road, highway or alley, or section thereof, or whenever any resolution directing the preparation of any ordinance for any such improvement shall have been adopted by said board without such application, it shall be the duty of the superintendent of streets and sewers to give two weeks' notice in two daily newspapers published in said city, that such improvement is proposed, briefly describing in said notice such improvement and work, and requesting all persons objecting to the same to present their objections in writing at his office within two weeks from the date of such notice; and no such ordinance shall be passed until after the expiration of such notice. Notice to be given of grading, curbing, &c., of any street.

110. *And be it enacted*, That in case objections to such proposed improvement be presented within the time and in the manner prescribed, and signed by a majority of the owners of lands fronting upon such street or section of a street proposed to be improved, then the votes of two-thirds of all the members of the board of aldermen shall be required for the passage of any ordinance directing the said improvement; but in case the original petition for such improvement was signed by a majority of the owners aforesaid, or in case the objections thereto be not signed by such majority of owners, then the votes of a majority of all the members of the said board shall be sufficient to pass any ordinance relating to such improvement; the expenses of such work or improvement, except for the changing or altering the grade of a street, shall be assessed on the property fronting on or adjoining the street so improved. Ordinances, how passed. Expense to be assessed on property fronting on street.

111. *And be it enacted*, That the board of aldermen may, by resolution passed at any meeting, order any repairs in the sidewalks or carriageways of any street, avenue, highway or road within said city, and the expense thereof shall Repairs of streets, how made.

be paid by the corporation out of the moneys raised by tax for repairs of streets; but sidewalks not flagged to the full width with good and substantial blue flagging, shall be kept in repair by the owner or owners of the land in front of which such repairs shall be necessary, or by the corporation at the expense of such owner or owners, to be assessed and collected as hereinafter provided.

Aldermen to prescribe by ordinance how sidewalks shall be levelled, graded, curbed, &c.

112. *And be it enacted*, That the board of aldermen shall have power to prescribe by ordinance the manner in which sidewalks in said city shall be leveled, graded, curbed, paved, flagged or graveled, by and at the expense of the owners or occupants of lots fronting on or adjoining said street or streets; and such ordinance shall prescribe the time within which said work shall be done, which time shall not be more than three months from the passage or adoption thereof; and if any owner or occupant of any lot or lots fronting on sidewalks so ordered to be improved shall fail to comply with such ordinance, either as to time or manner, the board of aldermen shall cause said work to be done at the expense of said owner or occupant.

Lots of ground, how drained.

113. *And be it enacted*, That the board of aldermen shall have power by ordinance, to order and direct the digging down, grading, filling up, or fencing of lots or parcels of ground, at the expense of the owner or owners thereof, in all cases where such action is, in the opinion of said board, necessary to prevent or abate a nuisance.

Aldermen may issue street improvement scrip.

114. *And be it enacted*, That The Mayor and Aldermen of the city of Paterson are hereby authorized and empowered to issue "street improvement scrip," for the payment of the grading, curbing, guttering, graveling, macadamizing, paving, flagging, digging down, filling or re-filling, or leveling of any street, avenue, highway, road, alley or sidewalk, or part thereof, in said city, which may be done by the corporation at the expense of the owners or occupants of the lands fronting on such street, avenue, road, alley, or sidewalk so improved, until the cost thereof can be collected from such owner or occupant of property liable therefor, which scrip shall be paid to the contractor, or other person having executed such improvements, or to any other person or persons entitled to the payment thereof; the said scrip shall bear interest at the rate of seven per centum per annum, and be payable within eighteen months from the date of the issue thereof.

Interest.

Power to issue street improvement bonds.

115. *And be it enacted*, That for the payment of the curbing, guttering, macadamizing or paving of any street or avenue, or section thereof, or the flagging of any sidewalk, or section thereof, in said city, The Mayor and Aldermen of the city of Paterson are hereby authorized and empowered to issue "street improvement bonds," to an amount not exceeding fifty thousand dollars in any one year, which bonds shall be redeemable at any time after one year from the date of issue, and shall be payable within ten years from such date, and shall bear interest at the rate of seven per centum per annum, payable semi-annually, and the credit of the corporation, and all the real and personal estate thereof, shall be pledged for the payment of the interest and the principal of such bonds; the proceeds of the sale of such bonds shall be applied only to the purposes for which they shall be issued, and only to the improvement of such street or sidewalks, or sections thereof, as may be designated by ordinance of the board of aldermen.

III.—BUREAU OF SEWERS AND DRAINS.

Bureau of sewers and drains.

116. *And be it enacted*, That the superintendent of streets and sewers shall be the executive officer of the bureau of sewers and drains, and as such shall execute all orders of the board of aldermen relative to public sewers and drains in said city.

Sewers and drains to be constructed.

117. *And be it enacted*, That all sewers and drains constructed under the provisions of this act shall be constructed in accordance with the maps and surveys made or hereafter to be made for that purpose, and the said maps and surveys shall distribute the area of the city into sections, to be called "drainage districts."

Mayor and aldermen empowered to issue sewer bonds.

118. *And be it enacted*, That The Mayor and Aldermen of the city of Paterson are hereby authorized and empowered to issue "sewer bonds," to an amount not exceeding seventy-five thousand dollars in any one year, the proceeds whereof shall be applied only to the construction of sewers and drains in said city; but the aggregate amount of such bonds issued, or hereafter to be issued, shall not exceed five hundred thousand dollars; the said bonds shall bear not more than seven per centum interest per annum, payable semi-annually, shall have not more than twenty-five years to run, shall be sold at not less than par, and shall have the

credit of the corporation, and the real and personal property thereof, pledged for the payment of the interest and principal of such bonds; any work for which such bonds may be issued, shall be paid for only out of the proceeds of the sale of said bonds.

Books of accounts and proceedings to be kept.

119. *And be it enacted*, That in the said bureau of sewers and drains there shall be kept, by such person as may be designated therefor by the board of aldermen, proper books of account, and books for the recording of all proceedings in reference to said constructions; all claims for expenditures pertaining to said bureau shall be presented to the superintendent of streets and sewers, and audited by him and by the department of streets and sewers, before presentation to the department of finance.

Aldermen to pass ordinances for regulating and controlling sewers and drains.

120. *And be it enacted*, That the board of aldermen is hereby authorized and empowered to pass and adopt such ordinances, rules and regulations as to said board may seem proper, for regulating, controlling and prescribing the manner in which any sewer or drain constructed by order of said board shall be used, and the manner in which connections therewith from any house, building, yard or other place shall be made, and for the keeping of the same in proper repair, and providing for the costs thereof; but no charge shall be made by said board for permission to the owner or occupant of any premises to connect the same with such sewer or drain.

IV.—BUREAU OF SURVEYS

City surveyor may appoint assistants.

121. *And be it enacted*, That the city surveyor shall be the executive officer of the bureau of surveys, and by and with the advice and consent of the department of streets and sewers, he may appoint his own assistants to aid him in the performance of the duties required of him by the corporation, but the expense of such assistants shall not exceed fifteen hundred dollars per annum, or such less sum as may be appropriated therefor by the board of aldermen.

Duty of surveyor

122. *And be it enacted*, That it shall be the duty of the city surveyor

Keep maps.

I. To carefully keep and preserve in his office all maps made for or belonging to the corporation, except when the same are in actual use by any other bureau or department;

II. To make all surveys and maps required by or for the other bureaus in this department, or by the bureau of assessment and revision of taxes, and to require the return thereof to his office when not actually needed elsewhere; Make all survey and maps.

III. To have all maps and surveys in his office open to public inspection at all reasonable hours, and to permit any person to make copies of the same; Maps and surveys to be open to inspection.

IV. To enter in a book or books, prepared for the purpose, a record of all field-notes, points and admeasurements made or gathered in making any surveys or maps for the corporation, and to keep such book or books open to public inspection at all reasonable hours, and to allow copies to be made of any of the entries therein; Record to be kept.

V. To perform such other services as are by this act, or may be by the board of aldermen required of him. Other services.

V.—BUREAU OF ESTIMATES AND ASSESSMENTS.

123. *And be it enacted*, That the bureau of estimates and assessments shall be under the management and control of a board of estimates and assessments, consisting of the board of street openings, the superintendent of streets and sewers, and the city surveyor, for the time being. Board of estimates and assessments.

124. *And be it enacted*, That it shall be the duty of the board of estimates and assessments to ascertain the cost of any of the works or improvements executed under the supervision of the bureau of street improvements at the expense of the property fronting on or adjoining the street or streets wherein such improvements have been made, as hereinbefore provided, and to assess the said costs equitably upon such property, including therein a charge not exceeding fifty dollars, as fees for their services, which fees shall be paid into the city treasury; there shall be also included in said cost the interest of the street improvement scrip, issued for the payment for such work; the said board shall file a map and report of such assessment in the office of the superintendent of streets and sewers, who shall thereupon give two weeks notice of such filing in two daily newspapers of said city, requesting persons objecting to present their objections, in writing, at his office within two weeks from the date of such notice; the said board may, within one week after the expiration of such notice, revise and alter said report as they may deem proper, and shall then deliver it to Duties of board of estimates and assessments.

the department of streets and sewers, and the said department shall report the same to the board of aldermen at the next regular meeting thereof, with suitable recommendations, and the said board of aldermen may modify or confirm the said report of the board of estimates and assessments, and when so modified or confirmed the said report shall be final.

Board to ascertain and determine damage sustained by change of grade of streets.

125. *And be it enacted*, That when the board of aldermen shall have caused the grade of any street, avenue, highway, or road, in said city, theretofore established by ordinance, to be changed, it shall be the duty of the said board of estimates and assessments to ascertain and determine the amount of damage sustained thereby by the owner of any lands or real estate affected by the said change, and the benefits resulting therefrom; and if, in the judgment of the said board, the damages be, in the aggregate, in excess of the benefits, the amount of such excess shall be assessed upon the city at large, and raised by a tax, assessed and collected at the same time and in the same manner as other taxes are assessed and collected, within one year after such report shall have been modified or confirmed; but the board of aldermen shall have power to make temporary loans to pay any such awards of damages, in anticipation of the collection of such assessment; the provisions of the next preceding section, relative to the estimates and assessments for street improvements and the reports thereof, shall apply to the assessment of damages and benefits for changing or altering the grade of any street once established by the corporation; any reports herein required by the board of estimates and assessments shall be as valid and effectual in law, if signed by five members of said board, as though the same had been signed by all the members thereof.

Mistake in name not to vitiate assessment.

126. *And be it enacted*, That notwithstanding any mistake or omission in naming the true owner or owners of any lands assessed by the said board, or by the board of street openings, as herein provided, such assessment shall be as valid and effectual in law against such lands, and the same may be proceeded against and sold, in the manner prescribed in this act, with the same effect as though such assessment had been made in the name of the true owner or owners thereof, and this provision shall apply to any assessment heretofore made for any street opening or improvement.

127. *And be it enacted*, That within ten days after any

such estimate and assessment as aforesaid shall have been modified or confirmed by the board of aldermen, it shall be the duty of the city clerk to furnish a certified copy thereof to the receiver of taxes and assessments, and thereupon it shall be the duty of the said receiver to give twenty days' notice in two daily newspapers of said city, that unless the said assessments be paid to him within sixty days from the date of such notice, he will proceed to collect the same by public sale of the lands of such delinquent or delinquents.

City clerk to deliver copy of assessment to receiver of taxes.

128. *And be it enacted*, That at the expiration of the said sixty days it shall be the duty of the receiver of taxes and assessments to give two weeks' notice, in two daily newspapers of said city, of the time and place when and where he will sell such lands of any delinquent or delinquents, which sale he may adjourn from time to time, not exceeding thirty days in all; and at the time of such sale, so advertised, or at the time to which it shall be adjourned, the said receiver shall sell such lands of any such delinquent to the person who will take the same for the lowest term of years and pay the assessments thereon, with costs and charges, including the advertisement thereof, and interest thereon at the rate of ten per centum per annum; the provisions of this act relative to sales of real estate for delinquent taxes and the redemption thereof, shall apply to the sales of lands for arrears of assessments for street openings and street improvements, so far as the same are applicable thereto, and with the exceptions in this section mentioned; the sales shall be conducted in the same manner, with like charges and fees, computed in like manner; the same obligations and privileges shall be imposed and conferred upon the purchaser, and the property shall be redeemed as in cases of property sold for arrears of taxes.

Receiver to give notice of sale.

Receiver to sell lands.

129. *And be it enacted*, That when the payment of the curbing, guttering, macadamizing or paving of any street or section thereof, or the flagging of any sidewalk or section thereof, shall have been ordered by the board of aldermen to be provided for by the issue of "street improvement bonds," the city clerk shall notify the superintendent of streets and sewers thereof, and the board of estimates and assessments shall ascertain and determine the cost of any such improvement, so ordered to be paid, and assess the same proportionately upon the lands fronting on or adjoining any street or sidewalk so improved, and shall file a

Board to determine the cost of improvement ordered paid and assess the same.

statement thereof in the office ot the department of finance, on or before the second Monday in June next after the completion of such work.

Money collected for assessments to be applied for redemption of street improvement bonds.

130. *And be it enacted*, That in the year when the aforesaid report has been made and filed as provided in the next preceding section, it shall be the duty of the commissioners of assessment and revision of taxes, at the time they make out their annual enumerations, valuations and assessments of property, to assess in a separate column of their assessment books, upon each lot so as aforesaid assessed by the said board of estimates and assessments, twenty per centum of the said amount charged to each lot by the said board, of which ten per centum shall be for the payment of the interest on such bonds, and ten per centum for the payment of the principal; and in each and every year thereafter there shall be assessed on every such lot, at the time of making the annual enumerations, valuations and assessments for taxes, a sum equal to ten per centum of the assessment for the cost of the work, for the redemption of the bonds issued therefor; and a further sum of ten per centum of the amount of such assessment yet unpaid, for interest thereon until the whole of such assessment shall be paid; but at any time after the estimate and assessment of the cost of any such improvement shall have been made, any person, firm or corporation so assessed may pay the same in full, and thereafter shall not be annually asssessed therefor, and all moneys so received or collected on account of such assessments shall be applied forthwith to the redemption of the aforesaid "street improvement bonds," or to the payment of the interest thereon.

Special tax to pay interest on sewer bonds.

131. *And be it enacted*, That on or before the second Monday in June, in the year eighteen hundred and seventy-one, and annually thereafter, it shall be the duty of the said board of estimates and assessments to estimate the average cost per lineal foot of all sewers and drains constructed in the several drainage districts of said city, subsequently to the year eighteen hundred and sixty-eight, and up to the time of making such annual estimate, and to transmit a certified statement of such estimate to the department of finance; and in making the annual enumerations, valuations and assessments for taxes in such year, the commissioners of assessment and revision of taxes shall, in a separate column of their assessment books, assess upon each lot fronting on

or adjoining a street through which a sewer or drain has been constructed up to that time, a sum per lineal foot of frontage, equal to three and a half per centum of the average cost per lineal foot of all sewers and drains constructed subsequently to the year eighteen hundred and sixty-eight, in the drainage district wherein such lot is situated, estimated as aforesaid, and the proceeds of such special tax shall be applied to the satisfaction of the interest on the sewer bonds issued or to be issued by the corporation; but no lot shall be assessed for more than twenty-five feet frontage for every twenty-five hundred feet in area thereof.

Special taxes to remain a lien on property.

132. *And be it enacted*, That the special taxes authorized and required to be annually raised by the provisions of the two next preceding sections of this act, shall be collected in the same manner as other taxes are collected, and shall be and remain a lien on the property on which they may be assessed, until paid, with interest at the rate of ten per centum per annum accruing after the fourteenth day of October, in each year; and all assessments for benefits by the board of street openings, and all assessments by the board of estimates and assessments shall be and remain a lien upon the property assessed until paid.

TITLE VIII

OF THE DEPARTMENT OF CHARITIES AND CORRECTION.

Department of charities and correction.

133. *And be it enacted*, That the department of charities and correction shall be charged with the general supervision of the charitable and reformatory or correctional institutions of the corporation, and the exercise of the powers of the board of aldermen to dispense public charities.

Power of board of aldermen.

134. *And be it enacted*, That the said board of aldermen shall have power to provide relief or support for the poor of said city, to provide and maintain an almshouse and a workhouse in connection therewith, and to take for the benefit of the corporation the labor and services of the persons maintained or employed therein; to regulate such institutions in all respects, and direct who shall be admitted thereto or remain therein, and on what conditions.

Bureaus.

135. *And be it enacted*, That there shall be the following bureaus in this department, to wit:

I. A bureau of outdoor relief;

II. A bureau of indoor relief;
III. A bureau of correction.

I.—BUREAU OF OUTDOOR RELIEF.

Power of superintendent of outdoor relief.

136. *And be it enacted*, That the superintendent of outdoor relief shall be the executive officer of the bureau of outdoor relief; with the concurrence of the said department of charities and correction, and of the recorder of said city, he shall have power to extend relief to all indigent persons in said city, who by law may be entitled thereto, but not in excess of the sum appropriated for that purpose by the board of aldermen; and to send any of such persons to such almshouse or workhouse as may be provided by the said board.

Proceedings in case of bastard children.

137. *And be it enacted*, That with the concurrence aforesaid the said superintendent shall bind out and secure the protection and support of poor children in the manner provided by law, and take the measures prescribed by law for securing the support of bastard children by the parents thereof, acting in such cases in conjunction with the said recorder, and not with any justice or justices of the peace; all recognizances for the support of such bastard children shall be in the name of the corporation, and when forfeited may be prosecuted for its benefit, and all moneys arising therefrom shall be paid into the treasury of said city, to the credit of said department.

Powers.

138. *And be it enacted*, That the said superintendent shall possess the same powers and perform the same duties as are by law imposed or conferred upon overseers of the poor of the townships of this State, so far as the same are consistent with the provisions of this act.

II.—BUREAU OF INDOOR RELIEF.

Power and duty of superintendent of indoor relief.

139. *And be it enacted*, That the superintendent of indoor relief shall be the executive officer of the bureau of indoor relief; he shall have charge of the almshouse and farm appertaining thereto, owned by the corporation, subject to the direction of said department and the ordinances of the board of aldermen; and shall admit thereto such persons as may be sent thither by the superintendent of outdoor relief; and he shall have such other powers and perform such other

duties as may lawfully be conferred or imposed upon him by ordinance by the board of aldermen.

III.—BUREAU OF CORRECTION.

Recorder.

140. *And be it enacted*, That the executive officer of the bureau of correction shall be known as the recorder of the city of Paterson; he shall be appointed by the board of aldermen at its first regular meeting in May, one thousand eight hundred and seventy-three, and every third year thereafter, and shall hold his office for three years and until his successor has been chosen and has qualified; he shall be commissioned in like manner as justices of the peace in and for the several counties of this State are commissioned, and be answerable in like manner for the performance of the duties herein imposed upon him.

Recorder to have powers of justices of peace.

141. *And be it enacted*, That the said recorder shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters. and in all matters relating to cases of bastardy, and to the relief, removal and settlement of the poor, and in all cases of vagrancy and disorderly persons, as any one or two justices of the peace are or may be by law entitled to use and exercise, and to hear, examine, try and determine the same, and to give judgment and carry the same into execution according to law, as such justice or justices might or could do; but the said recorder shall not, by virtue of such office, be authorized to try any civil actions, except such as may be brought to recover a penalty under the provisions of this act, or any of the ordinances of the city, in which case he may act as a justice of the peace in his civil capacity; the said recorder shall also have power to try immediately, and without jury, before eleven o'clock on a Sunday morning, any person or persons in custody on such morning, on a charge of violating any ordinance, or of vagrancy, if such person shall prefer to be so tried, and such proceedings shall be legal; the said recorder may, in all matters or cases pending before him in his court, award and issue writs of subpœna ad testificandum to run in any county of this State.

Violation of ordinances.

142. *And be it enacted*, That on the filing in his office of an affirmation, made according to law, that any person or persons has or have been guilty of a violation of any ordinance of said city, the said recorder shall have power to

issue process in the name of the corporation, either in the nature of a summons or a warrant, as to said recorder may seem most advisable, against the person or persons so charged; such process shall state what ordinance is alleged to have been violated, and when and how the same has been violated; and when in the nature of a warrant such process shall be returnable forthwith, and when in the nature of a summons shall be returnable within ten days from the service thereof.

No person incompetent as a witness for being an inhabitant.

143. *And be it enacted*, That on the return of such process, or at the time to which the recorder shall have adjourned said cause, the said recorder shall proceed to hear testimony, to determine and give judgment in the matter, and in case of conviction to impose a fine or imprisonment, or both, without delay, and without the filing of any pleadings; and upon the trial of any suit or action for a violation of any of said ordinances no person shall be deemed an incompetent witness or juror by reason of being an inhabitant of said city, or owning property therein.

Keeper of jail to receive into custody all persons committed.

144. *And be it enacted*, That if in such case judgment for the plaintiffs be rendered, the said recorder shall have power to issue execution for the penalty and costs against the goods and chattels, and person or persons of the defendant or defendants, whether feme covert or otherwise; and if judgment of imprisonment 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, or directed to the keeper of any workhouse established by said corporation therefor; and it shall be the duty of the said keeper of said jail to receive into his custody and to keep in the same manner as other prisoners of the said county, all persons committed to his charge by virtue of any execution or warrant of commitment issued by said recorder.

Any persons sentenced to be required to work.

145. *And be it enacted*, That where sentence of imprisonment shall be passed upon any person for any subsequent violation of any ordinance of said city, such person may be required to work not exceeding eight hours per day, at any employment furnished and directed by the board of aldermen, for the use of the corporation, during the term of such person's sentence; any person so sentenced, who shall escape, may be re-arrested and required to serve double the

unexpired term, or be kept in close confinement for the same double period.

Proceedings in case of appeal.

146. *And be it enacted*, That any defendant or defendants against whom any judgment may have been obtained before said recorder, in said court, for the violation of any of the ordinances of said city, shall have the right, in common with the corporation, to appeal to the court of common pleas of the county of Passaic, in the same manner and upon the same terms and conditions as in the case of appeals taken from judgment rendered in the courts for the trial of small causes in this State; the said court of common pleas shall have cognizance of, hear and determine such appeals, give judgment, and issue execution in the same manner in all respects as upon appeals to said court from judgments rendered in the courts for the trial of small causes.

Recorder to investigate cause of fire.

147. *And be it enacted*, That whenever a fire shall occur in said city, it shall be the duty of the recorder to investigate the origin and cause of the same; and when he shall believe such fire to be the work of an incendiary, to cause the arrest of any suspected person or persons, and the recorder shall have power, in the prosecution of such investigation, to cause all necessary evidence to be brought before him, by subpœna or otherwise.

Provide and maintain a station house and house of detention.

148. *And be it enacted*, That the board of aldermen shall provide and maintain a suitable station house for the accommodation of the police force of said city, and a house of detention for the safe keeping of any person or persons arrested by any of said police force, until such person or persons can be conveniently taken before the proper court for a hearing; any person who shall break or escape from, or attempt to break or escape from such house of detention, and any person who shall aid or abet, or attempt to aid or abet another in so doing, shall be liable to indictment, as though such person had committed the same offense, in relation to the common jail of said county.

TITLE IX.

OF THE DEPARTMENT OF HEALTH.

Department of health.

149. *And be it enacted*, That the department of health shall supervise and direct the execution, by the proper

officers, of the orders of the board of aldermen relative to the public health of said city, in conformity with the powers hereby conferred on said board.

Power of board of aldermen.

150. *And be it enacted*, That for the preservation and promotion of the health of said city the board of aldermen shall have power:

Abate nuisances.

I. To abate and remove nuisances of every kind, and to regulate and prevent the carrying on of any trade or business detrimental to the public health, or of an offensive character; to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein any such trade or business is carried on, or in or upon which there may exist any matter or thing which is or may be detrimental to the public health, to clean, abate or remove the same, or to clean, abate or remove the same at the expense of such owner or occupant;

For the regulation of slaughter houses, licensing butchers, &c.

II. To regulate, locate and remove slaughter houses; second, to license and regulate butchers; third, to designate the places, times and manner of selling meats, fish and vegetables, and to prohibit the sale of the same on the public streets without a license; fourth, to prohibit the passage of any drove of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times; fifth, to regulate and prohibit the keeping of swine; sixth, to regulate scavengers; seventh, to establish and regulate one or more public pounds, and to restrain and regulate the running at large of horses and cattle, swine, goats, and other animals, geese and other poultry, and to authorize the impounding and sale of the same for any penalty incurred, and the costs of keeping and impounding; eighth, to require a registration of all dogs, and to impose taxes on the owners thereof, and to authorize the destruction of dogs running at large;

Erection of buildings.

III. To regulate and control the manner of erecting and constructing dwelling houses and other buildings in said city; to require the submission to an officer, appointed by the said board for that purpose, of all plans and specifications of or for buildings, and to prohibit the erection and construction of any building or buildings, without a permit first had and obtained from such officer;

Erection of tenement houses.

IV. To regulate and control the manner of building tenement or lodging houses in said city, and the use thereof, and of all buildings devoted to that purpose; to regulate

and prevent the use of cellars or underground rooms, or rooms partly under ground, as separate dwellings;

To provide fire escapes, and to regulate the construction of chimneys, furnaces, &c.

V. To regulate, control or prohibit the erection or enlargement of any building of wood or other combustible material, within certain limits, established from time to time by ordinance; second, to require the providing of adequate fire-escapes; third, to regulate the construction of chimneys; fourth, to prevent the setting up or construction of furnaces, stoves, boilers, ovens, and articles of that character, in such manner as to be dangerous; fifth, to prohibit the deposit of ashes in unsafe places; sixth, to authorize any city officer, or other person designated for the purpose, to examine and inspect, by day, any place or places, to ascertain whether the same is or are in a safe condition, and if not, to direct or cause the same to be made safe; seventh, to regulate or prohibit the carrying on of manufactures dangerous by tendency to cause or promote fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of fire-arms in said city; eighth, to regulate the sale or prohibit the manufacture of kerosene oil, or other oil, camphene and spirit gas; ninth, to regulate or prohibit the manufacture, keeping or conveying of gunpowder, or other dangerous or combustible materials; tenth, to regulate or prohibit the use of lights in barns, stables and other buildings;

Drainage.

VI. To require any house or building which stands upon any street in which a sewer or drain has been constructed, to be so connected with such sewer or drain that all water falling on such house or building, or the yard or area thereof, and all liquid filth from such house or building shall pass freely into such sewer or drain.

Duties of department.

151. *And be it enacted*, That the said department shall use all reasonable means for ascertaining the existence and cause of disease or peril to life and health in said city, and for averting the same; and shall promptly cause all proper information in possession of said department to be sent to the local health authorities of any city, village or town in this State which may require the same; the said department shall also, so far as it may be able, gather and preserve such information and facts relative to deaths, disease and health in said city as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in said city, and shall once a month publish summaries of the facts and statistics gathered, and shall annually

present to the board of aldermen a full report of all its official acts, with such suggestions and recommendations as may seem advisable as to the sanitary condition of the city and the improvement thereof; the said department shall have power to call upon the police force of said city to assist in the enforcement of the ordinances relating to said department.

Bureaus.

152. *And be it enacted*, That there shall be the following bureaus in this department:

I. A bureau of sanitary inspection;
II. A bureau of vital statistics;
III. A bureau of buildings.

I.—BUREAU OF SANITARY INSPECTION.

City physician.

153. *And be it enacted*, That the city physician shall be the executive officer of the bureau of sanitary inspection; the city physician shall keep a record of and examine into all complaints of nuisances preferred before him, or which come under his observation; and where he deems sufficient cause to exist he shall notify the party or parties responsible for any nuisance to abate the same within a reasonable time specified by him, and in case such parties fail so to do, he shall, with the concurrence of the said department, order and cause the same to be abated at the expense of the party or parties responsible therefor; and the said city physician may order the disinfecting of any infected premises, and order the whitewashing of any outbuildings at the expense of the owner or owners thereof.

Duty of physician.

154. *And be it enacted*, That the said city physician may take measures and afford inducements and facilities whenever, in his opinion, the public good requires it, for general and gratuitous vaccination and disinfection; and may move or cause to be removed to a proper place any person sick with smallpox or other pestilential, infectious or contagious disease, and provide proper care and attendance for such person so sick or removed, when it shall appear that any such person is pecuniarily unable to procure such care and attendance; but such provision shall only be made with the concurrence of the department of charities and correction.

Sanitary code to be prepared.

155. *And be it enacted*, That the said city physician shall prepare from time to time, as in his judgment may seem needed, or as may be required of him, a sanitary code, to

be submitted to the said board of aldermen for approval; he shall present a written report, at least once a month, of all his official proceedings to said department, and shall perform such other duties as may be required of him by the said department of health, or by the board of aldermen.

II.—BUREAU OF VITAL STATISTICS.

Register of vital statistics.

156. *And be it enacted*, That the executive officer of the bureau of vital statistics shall be known as the "register of vital statistics."

Record of births, marriages and deaths to be kept.

157. *And be it enacted*, That it shall be the duty of the register of vital statistics to enter in books prepared for that purpose, and which shall be preserved in his office, and be open at all reasonable hours to public inspection, a record of all births, marriages and deaths occurring in said city, and of all burials therein, which record shall show, as regards marriages, the name, age, parentage, birthplace, occupation and residence of the parties married, the time or date of marrage, the maiden name of the mother of each of the parties, the name of the clergyman or magistrate officiating, and the names and residences of the witnesses; and in relation to births, the day of the week and month, and the year thereof, the precise place of residence, names of both parents, and the maiden name of the mother, the birthplace, residence and occupation of the parents, the sex, physical condition and color of the child, and its name, if it be named, also the attending physician, and at least one person present at such birth, if possible; and in relation to deaths: the name of each deceased, age, color, nativity, last occupation, and cause of death, and the precise place of such person's death and last residence, and where buried.

Report to be made to register.

158. *And be it enacted*, That it is hereby made the duty of the parents of any child born in said city, and of every person present at such birth; and of the officiating clergyman or magistrate at any marriage, within ten days after such birth or marriage to report, in writing, to the said register the particulars above mentioned, as far as known; and the return so made of any marriage shall be signed and certified by the parties married, the officiating clergyman or magistrate, and at least one witness; any person herein required to make a report of any birth or marriage within ten days after the occurrence thereof shall be liable to a penalty

ten dollars for each and every failure to comply herewith, to be recovered in an action of debt, with costs, before the recorder of said city; *provided*, that in the case of births, a report made according to law, by any one of the persons present, shall relieve the others from the obligation to make such report, and any person who shall knowingly make to said register any false return, statement or report relative to any birth or marriage shall be subject to such penality as the board of aldermen may, by ordinance, prescribe, not exceeding fifty dollars; the said register shall have prepared, and upon application, shall furnish to proper persons suitable blank forms for the making out the returns or reports herein required to be made to him of births and marriages in said city.

Proviso.

Burial permits to be issued.

159. *And be it enacted*, That the said register shall issue burial permits to sextons, undertakers or other persons for the interment within or the removal from said city of persons deceased; such permits shall be issued only upon the filing with said register of a properly authenticated statement showing the name, age, sex, color, nativity, occupation, last place of residence, precise place of death, cause of death and attending physician or physicians; the particulars as to sex, color, place and cause of death to be certified to by a physician or coroner, or both; any sexton, undertaker or other person who shall remove the body of any deceased person from said city, or who shall inter such body therein without such permit, shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, with costs, before the recorder.

Register.

160. *And be it enacted*, That for two years after the passage of this act, and until otherwise ordered by a two-thirds vote of all the members elected to the board of aldermen, the city clerk, for the time being, shall be the register of vital statistics.

III.—BUREAU OF BUILDINGS.

Inspector of buildings.

161. *And be it enacted*, That the executive officer of the bureau of buildings shall be known as "inspector of buildings," and he shall be charged with the execution of the ordinances and resolutions of the board of aldermen relative to buildings, passed or adopted in accordance with the

powers hereinbefore granted to said board; the chief executive officer of the fire department, for the time being, shall be the inspector of buildings.

TITLE X.

OF THE FIRE DEPARTMENT.

Chief engineer.

162. *And be it enacted*, That the executive officer of the fire department shall be known as and called the "chief engineer of the fire department;" who with two assistant engineers of said department shall be annually elected or appointed from among the active or exempt firemen of said city, at such time and in such manner as the board of aldermen shall by ordinance for the purpose prescribe.

Powers and duties of chief engineer.

163. *And be it enacted*, That it shall be the duty of said chief engineer to supervise the fire apparatus of the department, and to see that the same is kept in good working condition, to be vigilant and active in detecting and extinguishing fires, to report monthly to the board of aldermen the number of fires, the losses and insurance, and the cause of fires when known; the said chief, or in his absence such officer as the said board shall designate for the purpose, shall have power under such restrictions as the said board may impose, to demolish any building or erection when necessary to prevent the extension of a conflagration, and the board of aldermen shall have power to provide for the ascertainment and payment of just compensation to the owners of property destroyed in such cases.

Power of board of aldermen to maintain a fire department.

164. *And be it enacted*, That the said board of aldermen shall have power to purchase or lease from time to time, all necessary building lots, to erect thereon such engine houses and other buildings as to the said board may seem needful for the use of the firemen and fire apparatus of the corporation; to purchase, repair and keep in good order the fire engines and other apparatus needed to extinguish fires, and to appropriate and raise by tax at the same time and in the same manner that other sums are raised by taxation in said city, all needful sums for maintaining such fire department.

165. *And be it enacted*, That the board of aldermen shall have power to organize and enrol from among the residents of said city, more than twenty-one years of age, as

May organize fire companies and pass ordinance for regulation of fire department.

many fire companies as to said board may seem proper, and to pass ordinances for the general regulation, management and government of said fire department.

Exempt firemen not liable to jury duty, &c.

166. *And be it enacted*, That every person who heretofore has, or hereafter shall have faithfully served as a fireman in the fire department of the city of Paterson for the term of seven years, shall be entitled to an "exempt certificate,,' sealed with the corporation seal, and signed by the mayor and chief engineer of the fire department, and upon the presentation of such certificate to the clerk of the county of Passaic, the said clerk shall record the name of such person in a book prepared for the purpose, with the date of such entry, and shall certify the recording on the back of the said certificate, wherefor he shall be entitled to ten cents from the person presenting said papers; and the person whose name is so recorded shall be forever exempt from serving as a juror in any court in this State, and shall be exempted from a portion of the regular tax of each year, not exceeding three dollars, upon the production of the certificate of the county clerk of the foregoing record having been made in his case.

City clerk to make and keep a list of firemen.

167. *And be it enacted*, That the city clerk shall keep a correct list of all firemen in said city, and in June of each year shall deliver a certified copy of such list to the clerk of said county; the said county clerk shall keep an alphabetical record of the exempt firemen of said city, and shall be entitled to receive the sum of ten cents from any person presenting an exempt certificate to be recorded.

TITLE XI.

OE GENERAL PROVISIONS.

Railroads not constructed without consent of aldermen.

168. *And be it enacted*, That no horse railroad hereafter authorized by law in said city shall be constructed through the streets thereof without the consent of the board of aldermen first had and obtained, which consent the said board shall only give upon the petition of the owners of a majority of the lineal feet of lands fronting on the street or streets through which said horse railroad is to be constructed, and all horse railroads in said city shall be subject to such general

ordinances and police regulations as the board of aldermen may from time to time adopt.

Books of record to be evidence in all courts.

169. *And be it enacted*, That the books of record kept by any of the officers of said city by virtue of this act, or in compliance with any ordinance of the city, and the bound volume of municipal laws published by order of the corporation, shall be admitted as evidence of all matters therein contained or recorded in all courts and places.

Ordinances to remain in force.

170. *And be it enacted*, That all ordinances of the corporation heretofore passed, in so far as the same are not inconsistent with this act, shall be and remain in full force and effect until altered or repealed according to law.

Salaries of officers.

171. *And be it enacted*, That the annual salaries of the officers named below shall not exceed the sums set opposite their respective names, viz:

The mayor, one thousand dollars;

Each alderman, four hundred dollars;

The city clerk, fifteen hundred dollars;

The clerk of the board of aldermen, eight hundred dollars;

The commissioners of assessment and revision of taxes, fifteen hundred dollars each;

The receiver of taxes and assessments, twenty-five hundred dollars;

The comptroller, one thousand dollars;

The city treasurer, one thousand dollars;

The superintendent of streets and sewers, fifteen hundred dollars;

The city surveyor, twenty-five hundred dollars;

The superintendent of out-door relief, eight hundred dollars;

The superintendent of in-door relief, six hundred dollars;

The recorder, twelve hundred dollars;

The city physician, eight hundred dollars;

The city counsel fifteen hundred dollars;

The chief of police, one thousand dollars;

The chief engineer of the fire department, seven hundred and fifty dollars;

The assistant engineers of the fire department, five hundred dollars each.

Officers to hold their office.

172. *And be it enacted*, That every person now holding any office in said city according to law, shall be entitled to hold the same and be required to perform all the duties thereof, with such additional duties, powers and restrictions,

if any, as may be conferred or imposed by this act, for the full term for which he was elected, subject only to be removed according to law; *provided*, that the office of collector of revenue, the office of sewer commissioner, or commissioner of sewerage, and the office of clerk to the sewer commissioners, shall cease and determine on the second Monday in May next succeeding the passage of this act, and the sewer commissioners and their clerk shall thereupon transfer all their official books, maps and papers to the superintendent of streets and sewers; *and provided further*, that the term of office of any and every officer heretofore elected in and for the ninth ward of said city, and of any and every officer heretofore elected in and for a ward in which such officer no longer resides, as such ward is by this act described, shall cease and determine forthwith, and in case any office is thereby vacated in any ward, as such ward is herein described, such office shall be filled at the municipal election held next after the passage of this act.

Proviso.

Proviso.

Board of aldermen to appoint election officers.

173. *And be it enacted*, That at the next municipal election held in the said city after the passage of this act, each ward shall constitute one election district and no more; the board of aldermen shall appoint the necessary election officers for the fifth, seventh and eighth wards, but such officers shall be chosen, as far as practicable, from among those last elected by the people for that purpose.

Sales of real estate on account of taxes.

174. *And be it enacted*, That all sales of real estate on account of taxes in arrears at the date of approval hereof, shall as far as practicable, be conducted in accordance with the provisions of this act.

Acts repealed.

175. *And be it enacted*, That the act entitled "A Further Supplement to the act entitled 'An act revising and amending the act to incorporate the city of Paterson,'" approved March fourteenth, one thousand eight hundred and sixty-one, which further supplement was approved April fourth, one thousand eight hundred and sixty-seven; and the act entitled "An act to authorize the construction of sewers and drains in the city of Paterson," approved February twenty-sixth, one thousand eight hundred and sixty-eight; and the act entitled "A further supplement to the act entitled 'An act revising and amending the act to incorporate the city of Paterson,'" approved March fourteenth, one thousand eight hundred and sixty-one, which further supplement was approved March twenty-fourth, one thou-

sand eight hundred and sixty-eight; and the act entitled "An act to authorise the mayor and aldermen of the city of Paterson to become stockholders in the Citizens' Gas Light Company, of Paterson," approved April fourteenth, one thousand eight hundred and sixty-eight; and the act entitled "An act for the further revising and amending the act to incorporate the city of Paterson," approved March twenty-fifth, one thousand eight hundred and sixty-nine, excepting only the one hundred and sixty-ninth section of said act; and the act entitled "A supplement to the act entitled 'An act for the further revising and amending the act to incorporate the city of Paterson,'" approved March twenty-fifth, one thousand eight hundred and sixty-nine, which supplement was approved March seventeenth, one thousand eight hundred and seventy, be and the same are hereby repealed; and that all other acts or parts of acts, in so far as the same are inconsistent with the provisions of this act, be and the same are hereby repealed; but nothing in this act contained shall destroy, impair or take away any right or remedy acquired or given by any act or part of an act hereby repealed, except where herein otherwise expressly provided; and all proceedings in law, of any kind whatever, commenced under any such former acts, or part or parts of such acts, shall and may be carried on and completed in all respects in the same manner and with the same effect as though this act had not been passed.

Repealer.

Actions at law to be carried on.

176. *And be it enacted*, That before application be hereafter made to the Legislature of this State for any alteration of this act, notice that such alteration will be applied for shall be published in two daily newspapers printed and circulated in said city at least three weeks before the convening of the Legislature, and no act shall be deemed to repeal or modify this act, or any part thereof, unless it shall specially so express and name this act as being the one intended to be modified, amended, altered or repealed.

Notice of alteration and repeal to be made.

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

Approved March 23, 1871.

CHAPTER CCCXXVI.

An Act to set off from the townships of Union and Dover, in the county of Ocean, a new township to be called the township of Lacey.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Union and Dover, in the county of Ocean, contained within the following boundaries, that is to say: beginning at a point in the line between the counties of Ocean and Burlington, where the southerly and easterly line of Manchester township meets the same; thence, first, along said township line in a northeasterly direction to a point where the road from Giberson's mill to Dover forge crosses said township line; thence, second, easterly along said road to Dover forge; thence, third, southerly along Guises' road by Dover forge pond to the middle of Cedar Creek; thence, fourth, along the middle of Cedar Creek to its junction with Barnegat Bay; thence, fifth, on a course due east to the Atlantic Ocean; thence, sixth, southerly along said Atlantic Ocean to the north side of Barnegat inlet; thence, seventh, on a course westerly to the mouth of Oyster Creek; thence, eighth, westerly along said Oyster Creek to where the road from Waretown to the head of Factory on South Branch of Cedar Creek known as Stout's road crosses the same; thence, ninth, westerly on a straight line to the head of said Factory Branch on the division line between Dover and Union townships; thence, tenth, southwesterly along said division line to the county line of Burlington and Ocean; thence, eleventh, along said line northwesterly to the place of beginning, be hereby set off into a new township to be called the township of Lacey.

Name.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Lacey are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the township of Lacey, in the county of Ocean," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to

the same regulations, governments and liabilities as the inhabitants of other townships in the said county of Ocean are or may be entitled or subject to by existing laws of this State, except as may be hereinafter provided for.

Time and place of first meeting.

3. *And be it enacted*, That the inhabitants of the said township of Lacey shall hold their first township meeting at the house of Martin Hall in the village of Forked River, in the said township of Lacey, on the second Tuesday of April next, and afterwards, in each year, at such place as the inhabitants of said township shall determine.

Township committee to divide and allot property.

4. *And be it enacted*, That the township committees of Lacey, Union and Dover, shall meet on the third Tuesday of April, next, at the court house, at Toms River, at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed, by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due or to become due, in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment; and it shall be the duty of the said township committee, from the last assessment rolls of the said townships of Dover and Union, to ascertain the amount of indebtedness of the said several townships that shall be assumed by the township of Lacey, for which amount, when ascertained, the township committee of the township of Lacey shall issue a bond or bonds, with interest payable semi-annually, to the township committees of the said townships of Dover and Union, which bond or bonds shall be conditioned so as to make the payments fall due at least ten days before the bond or bonds, or other indebtedness of the said townships of Dover and Union, shall become due; 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 a decision of a majority of those present shall be final and conclusive.

May issue bonds.

Surplus revenue not affected.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in anywise affect the rights of the said township of Lacey, to its just and legal proportion of the surplus revenue of the general government, and the interest due or becoming due thereon, and its proportion of all or any moneys due to the said townships of Dover and Union.

Township committee may issue bonds.

6. *And be it enacted*, That in addition to the powers now in them invested, the township committee of the said township of Lacey shall have power to issue township bonds, payable at any time, not exceeding ten years from the date thereof, with interest, for the purpose of raising any sum or sums of money voted or granted by the inhabitants of said township, in manner and form, and for any of the purposes mentioned in the eleventh section of the act entitled "An Act incorporating the inhabitants of townships, designating their powers and regulating their meetings;" and the said bonds, when signed and sealed by a majority of the township committee, and attested by the clerk of the township, shall be binding and effectual against the said township, and a majority of the said committee shall determine whether to raise the said sum or sums of money thus granted by issuing bonds or by taxation.

May divide public roads into districts and appoint overseers.

7. *And be it enacted*, That the said committee are hereby authorized and required to divide the public roads of said township into convenient and suitable districts, cause the same to be numbered, and a description of the beginning and ending of each to be entered in a suitable book to be provided and kept for that purpose, wherein all matters concerning roads shall be recorded; and that a majority of the said committee are hereby authorized and required to appoint, by writing under their hands and seals, one suitable person in each district as overseer of roads, who shall perform the same duties and be liable to the same penalties as if he had been elected by the people; and the overseers of the roads of the said townships shall each receive for their services a compensation, to be fixed and regulated by order of the township committee; *provided*, that it shall not exceed three dollars per day.

Compensation.

Proviso.

Roads when dedicated to be public highways.

8. *And be it enacted*, That whenever the owner or owners of land lying within said township, shall open any road not less than fifty feet in width, and dedicate the same to public use as a public road or highway, and on delivering a declaration of such dedication, and a survey of said road to the town committee, and by a resolution of said committee accepted, and said declaration, survey and copy of said resolution being filed in the office of the clerk of the county of Ocean, the same shall be deemed and taken to be a public road or highway.

9. *And be it enacted*, That the making, opening and

clearing out of all new public roads, and the repairing of all other public roads, shall be put out annually, by contract, to the person or persons who will offer to do the same, or any portion of the same, for the least sum. Making, opening, &c., public roads to be by contract.

10. *And be it enacted*, That the persons qualified to vote at town meetings shall have power and authority, at their annual meetings, to elect for said township, by a majority of votes, one discreet and suitable person, who shall be denominated the "Town Superintendent of Public Roads," who shall have authority, and it is hereby rendered his duty, to inspect and examine the roads annually, in each road district, to ascertain what work is necessary to be done thereon; it shall also be his duty to put out the making and repairing thereof, according to the true intent and meaning of the preceding section of this act; and he shall, annually, give ten days' notice of the time and place, when and where he will receive written proposals from responsible parties for doing the said work, by setting up two written or printed notices in each district, specifying the amount and kind of work to be done in each district; and he is hereby authorized and required to let and put out the said work to such person or persons as shall offer to do the same for the least sum; and the person or persons so offering shall be required immediately to sign a written agreement specifying the amount and kind of work to be done, the price agreed upon, and the time within which the same shall be performed, and give satisfactory security for the performance of the contract; and at the expiration of the time in the contract mentioned, the town committee of the roads shall examine the same in their respective districts, and within ten days afterwards certify in writing to the superintendent of public roads whether the said work has been well and faithfully executed, according to contract; and when the superintendent is satisfied that the work has been well and properly executed, he shall draw orders on the township collector, payable to the parties entitled to receive the same, for the amounts specified in their respective agreements. Election of town superintendent of roads and his duties.

11. *And be it enacted*, That the town superintendent of public roads shall make and cause to be read at each annual town meeting, a written report, which report shall contain a description of the work done upon the roads, who did the work, and the cost of doing the same, and shall then file a copy of the said report with the town clerk for public inspection. Report to annual town meeting.

New Jersey State Library

Compensation of superintendent.

12. *And be it enacted*, That the town superintendent of public roads shall receive for his services a sum not exceeding three dollars per day for every day of actual service performed.

Superintendent and overseers to take oath.

13. *And be it enacted*, That the town superintendent of public roads and the overseers of roads hereafter elected or appointed as aforesaid, in and for the township of Lacey, shall, before they enter upon the execution of their offices, and within six days after notice of such election or appointment, take and subscribe an oath or affirmation before a justice of the peace of the county of Ocean to the following

Oath.

or like effect, that is to say, "I, ———, do solemnly and sincerely promise and swear (or affirm) that I will, in all things, to the best of my knowledge and understanding, justly and faithfully execute the office of town superintendent of public roads, or overseer of the highways, without favor or partiality."

Fences not to be built.

14. *And be it enacted*, That no person or persons within the said township of Lacey, shall be required to build any line fence or fences, or any part thereof, or to be at the expense of building any such fence or fences, any law, usage or custom to the contrary, notwithstanding.

Unlawful to sell malt liquors.

15. *And be it enacted*, That it shall be unlawful for any person or persons to sell any ale, porter, beer, or other malt liquors, as a beverage, within the said township, except it be at a regularly licensed inn or tavern.

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

Approved March 23, 1871.

CHAPTER CCCXXVII.

An Act to incorporate the Gloucester Iron Works.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of he State of New Jersey*, That Isaac W. Nicholson, James P. Michellon, William Sexton, David S. Brown, Samuel Chew and Peter L. Voorhees, their associates and successors, be and they are hereby created and declared to be a body

corporate and politic in law and in fact, by the name of "Gloucester Iron Works," and as such shall have perpetual succession and all the privileges and franchises belonging or incident to a corporation. Corporate name.

2. *And be it enacted*, That the capital stock of the said corporation, shall be three hundred thousand dollars, divided into shares of one hundred dollars each, which said capital stock shall be personal property, and be transferable on the books of the company. Capital stock.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such time and place as they may direct; and at the time of subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied or satisfactorily secured to said commissioners as they, or a majority of them shall direct, and the residue of the subscription shall be paid, satisfied or secured as the directors of the said corporation when elected, shall from time to time direct, giving notice of such time and place, in a newspaper printed and published at the city of Camden for two weeks, at least once in each week; and upon the failure of any person or persons to pay satisfy or secure the payment of such instalment or instalments, or any of them, as aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said corporation; and any share or shares of stock forfeited as aforesaid, may be held by the said corporation, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the corparation, as said directors may determine, or may be divided proportionally among the remaining stockholders, to be by them held and enjoyed, or sold and transferred, with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed. Commissioners to receive subscriptions. Failure to pay instalment to work forfeiture

4. *And be it enacted*, That whenever fifty thousand dollars of the capital stock aforesaid, shall have been subscribed, said commissioners or a majority of them, shall, as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place in the State of New Jersey, as said commissioners may designate, to choose not less than three nor more than five directors, who shall hold their office for one year Meeting of stockholders and election of directors.

and until others are duly elected, and at such meeting of stockholders convened as aforesaid, said stockholders shall prescribe the time and place for holding the annual elections and the number of directors of said corporation, which time, place and number of directors, shall not be changed, except at an annual election of said corporation; and the directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after their election, choose from their number a president of said corporation, who shall hold his office for one year and until his successor is duly appointed; and in case of the death, resignation or other incapacity of the president or any director, the vacancy thereby created in the board of directors, may be filled by the stockholders at a meeting properly convened, for the remainder of the then current year.

Vacancy, how filled.

Stockholders entitled to vote.

5. *And be it enacted*, That at all elections by stockholders for officers of said corporation, and at all meetings of stockholders and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock standing upon the books of said corporation in his or her name, which vote may be cast either by said stockholder in person or by proxy.

Power of directors.

6. *And be it enacted*, That the board of directors of said corporation shall have power to make and adopt a common seal for said corporation, and the same to alter at pleasure; to appoint a treasurer, secretary, and such other officers, agents, clerks, servants and employees of said corporation, as they may deem necessary, and to prescribe and regulate their duties, salaries and compensation; to prescribe the form of and to issue or authorize to be issued, such promissory notes, bills of exchange, and business paper of said corporation, as they may determine, to borrow such sums of money from time to time as they may deem advisable, for the purpose of said corporation, and to pledge the property and credit of said corporation for the payment thereof, or to issue the promissory notes or bonds of said corporation therefor, and to secure the payment of said promissory notes or bonds, either by mortgages on the real or personal property of the said corporation wheresoever situate, or in such other way as said directors may see fit; to make such by-laws, rules and regulations for the issuing and transfer of the stock, and for the government of said corporation, its officers, clerks, agents and employees, as said directors may determine, and generally to direct, control and manage the

business and affairs of said corporation, in such manner consistently with the provisions of this act as they may think proper.

Place of business.

7. *And be it enacted*, That the principle place of business and chief manufacturing establishments of said corporation shall be located in Gloucester city, or in the county of Camden, and that said corporation shall be and they are hereby authorized to engage in the manufacture and sale of iron, steel, brass and the various kinds of metals in general use, and of all articles, machinery, goods, wares and merchandise of which iron, steel, brass or other kinds of metals in general use, form a component or constituent part, and to purchase, sell, mortgage, hold, use, lease, occupy, possess and enjoy such real or personal property, tools, engines, machinery, fixtures and materials in this or any other State or territory as may be necessary or needful for the proper management or conduct of said business, and said corporation are hereby empowered whenever in the opinion of the directors thereof it may be for the interest of the said corporation so to do, to subscribe for or to accept and receive as part payment for any work done, or goods, wares or merchandise sold or furnished by said coporation, the whole or any part of the capital stock of any incorporated company in this or any other State or territory, and to purchase, hire, build or construct such and so many ships, vessels, boats or barges as may be necessary or useful in carrying on the business of said corporation, and to erect and build such wharves, houses, buildings, structures, work shops, foundries, engines and machinery as said corporation may require for the transaction of its business; and said corporation shall be assessed and taxed upon the full and actual value of all their real and personal property only, and not upon the amount of the capital stock paid in, and said corporation shall be entitled to all deductions for and in respect to debts owing by them in the same way and to the same extent as natural persons now are or hereafter may be under the laws of this State; *provided*, that said corporation shall not be assessed and taxed iu this State for or by reason of or on account of any interest in any real or personal estate situate in any other State or territory, and taxed therein.

May hold, sell, lease and mortgage real estate in any other State.

Shall be assessed for real estate and personal property.

Proviso.

Statement to be made.

8. *And be it enacted*, That the directors of said corporation shall submit to the stockholders thereof, at their annual

meeting, a statement in writing of the condition and affairs of said corporation; and said directors shall divide the net profits of the business of said corporation, or so much thereof as said directors may see fit, among the stockholders, in proportion to the amount of stock held by them respectively, at such time and in such manner as said directors shall determine.

Real and personal property taken in payment for subscriptions.

9. *And be it enacted*, That any real or personal property, or any materials, engines or machinery, that may be received in payment for subscription for the stock of said corporation, shall be taken at a valuation approved by the directors of said corporation.

General powers.

10. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

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

Approved March 23, 1871.

CHAPTER CCCXXVIII.

An Act to incorporate The Union Insurance and Trust Company.

Corporators.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles S. Fox, Jesse Paulmier, N. Foote, Alonzo B. Dean, John S. Henry, John Lamb, Wm. Boyd, John Hopper, and their associates, successors and assigns, forever be and they are hereby constituted a body politic and corporate, by the name of "The Union Insurance and Trust Company," to be located in the county of Hudson in said State, and by that name shall be and they are hereby empowered to receive by purchase or otherwise, and to hold, possess and enjoy such real and personal estate as may by them be deemed necessary for the transaction of their business, and the same to lease, mort-

Corporate name and powers.

gage, sell or otherwise dispose of at pleasure, to sue and be sued, implead and be impleaded in all courts of law and equity of this State; to have and use a common seal, and to change the same at pleasure, and to make such by-laws and regulations not repugnant to the constitution and laws of the United States or of this State, as they may deem proper for the management of the said corporation and the transaction of its business.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of fifty dollars each, but the said corporators or a majority of them may proceed to the organization of said company whenever the sum of one hundred and fifty thousand dollars shall have been paid in in cash.

Capital stock to be transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations of said company as prescribed in their by-laws, and if any subscriber of any share or shares of said stock shall, after the payment of the first instalment thereon, neglect or refuse to pay any further instalment thereon within sixty days after the same shall have been duly required and after notice to that effect, then the share or shares of stock of such subscriber refusing or neglecting to pay as aforesaid, shall be by the directors of said company sold at public auction at the office of said company or such other place as the said directors may appoint, three weeks' notice of such sale having been by them given in some newspaper printed and circulated in Jersey City, at least once in each week, and out of the proceeds of such sale the unpaid instalment or instalments of stock shall be first paid, together with the expense of sale, and the balance, if any, shall be refunded to such negligent subscriber, and such sale shall pass the title to such share or shares of stock, and entitle the purchaser thereof to the rights of a stockholder as fully and entirely as if the said stock had been originally subscribed by said purchaser.

Shares to be sold on failure to pay instalments.

Majority of directors to be residents of this State, and their term of office.

4. *And be it enacted*, That the affairs of the said company shall be administered by a board of nine directors, a majority of whom shall be residents and citizens of this State, who shall be chosen by the stockholders by ballot at the organization of the company, one-third of whom shall vacate their offices at the expiration of one year after their election, one-third at the expiration of two years, and one-third at

the expiration of three years; and the terms of office of the respective members of the first board of directors elected under this act shall be determined by ballot at their first meeting, and an election shall be held at the expiration of one year from the organization of the said company and yearly thereafter for the purpose of filling all vacancies occurring in the board of directors by death, resignation, expiration of term or otherwise; such elections for directors of said company shall be held under the direction of three stockholders who shall be selected by ballot by the stockholders at the first election, and at all subsequent elections shall be appointed by the board of directors; each stockholder shall be entitled to one vote for every share of stock owned by him, and a plurality of the votes cast at any election shall elect.

Election of officers.

5. *And be it enacted*, That the said board of directors shall, on organizing the said company, and annually thereafter, choose from among their number a president and vice president, and they shall have power to select and displace at pleasure, such other officers as may be necessary for the transaction of the business of the company, and may take such bonds from any or all of their officers, employees and agents as they may deem necessary.

Property that may be insured.

6. *And be it enacted*, That the said company shall have power: first, to make insurance upon vessels, freights, goods, wares and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; second, to make insurance upon dwelling houses, stores and all kinds of buildings, and upon household furniture, merchandise and other property against loss or damage by fire; third to make insurance predicated upon the lives of persons, and to make contracts upon any and all conditions appertaining to or connected with life risks of whatever kind or nature, issuing policies stipulated to be with or without participation by the insured in the profits of the company; fourth, to cause themselves to be re-insured whenever and to whatever extent they may deem it expedient.

Losses, how paid.

7. *And be it enacted*, That all sums of money received as premiums on the above classes of risks shall constitute three separate funds, and all losses shall be paid out of the premiums received for the class of risks in which the loss occurs, and in case there shall not be sufficient funds to pay

any loss out of the premiums received from risks of the class in which such loss occurs, then such loss shall be paid out of the capital stock.

Policies of insurance and contracts binding on corporation.

8. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, may be made with or without the seal of said corporation, and shall be signed by the president, or, in his absence, by the vice president, and countersigned by the secretary, and being so executed shall be binding and obligatory upon the said company, according to the true intent and meaning of the said policies and contracts; and all such policies and contracts may be so made, signed, executed and attested without the presence of the board of directors, subject at all times to the by-laws of said corporation.

Stockholders eligible to be directors.

9. *And be it enacted*, That none but stockholders shall be eligible to the office of director, and none but directors shall be eligible to the office of president or vice president, and in case any director shall cease at any time to be a stockholder in said company, he shall ipso facto cease to be a director, and the board of directors may order a new election to fill such vacancy, on giving thirty days' notice thereof to all stockholders, or may allow the vacancy to remain unfilled until the next regular election for directors; a majority of the whole board of directors shall constitute a quorum for the transaction of business.

Dividends to be paid out of profits.

10. *And be it enacted*, That all dividends directed to be paid by the board of directors shall be paid out of the profits of the company, and not out of the capital; and if the said directors shall at any time make a dividend out of the capital of said company, then each and every director present at the meeting at which such dividend was declared, his or their executors or administrators shall be individually liable to any creditor of the company for the proportion of the capital so divided, and an action of debt may be brought against them, or any one of them, his or their executors or administrators, by any person aggrieved thereby, in any court of law in this State, and prosecuted to judgment and execution issued thereon, as in any other action; *provided*, that any director present at such meeting shall not be liable as aforesaid, if he shall have entered on the minutes of the meeting, in writing, his protest against the declaring of such dividend, and have signed the same as notice to the stockholders and other persons interested in said company of his dissent

Directors liable to creditors for proportion of capital divided.

Proviso.

from the declaration of such dividend, and shall also have given notice to the stockholders in said company of such dissent by advertising his said protest within ten days thereafter in some newspaper published and circulatimg in said county of Hudson.

11. *And be it enacted*, That it shall and may be lawful for said company to take and hold any real estate, bona fide mortgaged or pledged to said company or to secure the payment of any debt due the said company, and also to purchase at sales made in pursuance of the judgment or decree of anv court of law or equity, or any other legal proceedings or otherwise, to receive and take any real estate in payment or satisfaction, either in whole or in part, for any debt previously contracted and due said company, and to hold the same until they can, with advantage to said company, convert the same into money or other personal property; to invest the capital stock, or any or all of the surplus profits of said company as the board of directors may deem fit, and in such manner as they may prescribe; *provided*, that no loans shall be made on any real estate situated without this State; and to demand all such loans when due, and enforce the payment of, and re-invest the same whenever such action may be deemed expedient; to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, and certificates of property or value, and the titles to real or personal property; and to receive upon storage, deposit or otherwise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other property, excepting household furniture and wearing apparel, and to take the management, custody and charge of real and personal estate and property, upon such terms and conditions as may be established by the board of directors, and the said company is hereby authorized to receive in addition to the interest upon loans made by them, such commissions for the transaction and making thereof as the said board of directors may direct, not exceeding however the rate of ten per centum of the face of such loan or loans.

Proviso.

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

Approved March 27, 1871.

CHAPTER CCCXXIX.

A Supplement to "An Act to incorporate The Mattiniconk or Burlington Island Land Association," approved January twenty-seventh, one thousand eight hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for The Mattiniconk or Burlington Island Land Association to erect and build a bridge over the inner channel of the river Delaware, from some point along the south line of said island, opposite Burlington, to some point along the Delaware, at or east of the railroad wharf of the Camden and Burlington county railroad company, and to plant and raise in said river, and such parts thereof as they may think proper, such and so many pillars, breakers and other works as they shall think necessary to sustain and protect the same. May erect and build a bridge.

2. *And be it enacted*, That it shall and may be lawful for the said company to exact, take, demand and receive of and from all persons whatsoever, passing over the said bridge, so to be erected, when they shall enter upon the same, as well for themselves as for their horses, carriages, goods, wares and merchandise, and every other article and thing carried, driven or drawn over the said bridge, any sum not exceeding the sums following, for tolls or fare, viz.: May demand and receive toll.

		Rates of toll.
For every two-horse pleasure carriage,	twenty cents;	
For every one-horse pleasure carriage,	ten cents;	
For every loaded wagon,	twenty cents;	
For every mule and horse,	six cents;	
For every foot passenger,	three cents.	

3. *And be it enacted*, That it shall be lawful for the Mattiniconk or Burlington Island Land Association, or the Camden and Burlington County Railroad Company, to construct, maintain and use a railroad over and across said bridge and Mattiniconk or Burlington Island to some point on the main channel of the river Delaware, opposite Bristol; and shall have, possess and enjoy the same privileges and franchises May construct, maintain and use a railroad.

in the construction, maintenance and operation of said railroad as are contained in the acts incorporating the Camden and Burlington County Railroad, and the several supplements thereto.

Limitation. 4. *And be it enacted*, That all the powers and privileges of the act to which this is a supplement, be and the same are hereby extended for the term of twenty years from and after the passage of this act.

Repealer. 5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1871.

CHAPTER CCCXXX.

An act to incorporate the Pequannock Water Supply Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Silas L. King, William H. Graves, William O. Fuller, Pompton Furman, George S. Dwight and William Jones, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, in law and in fact, by the name of "The Corporate name. Pequannock Water Supply Company," and by that name shall be capable in law of purchasing, holding, leasing and conveying any lands, water, water rights, tenements, goods and chattels whatsoever, necessary or expedient for the objects of the corporation hereby created, which objects are declared to be the obtaining, supplying, securing, preserving, storing, transporting and selling of water, and the erection of proper water works, and distributing of the same for public and private purposes.

Capital stock. 2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said cor-

poration shall by their by-laws direct, with privilege to increase the same.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed and controlled by a board of directors, five in number, who shall be stockholders therein, and a majority of whom shall be residents of this state, to be chosen by the stockholders thereof annually, at such time and in such manner as the by-laws shall provide, and who shall serve for one year and until others are elected and qualified; said directors shall elect by ballot a president out of their own number, and also elect or appoint such other officers or agents as may be deemed expedient; may fill vacancies in their own board, and may have a common seal and alter the same at pleasure; and until after the first annual election after the passage of this act, the five (any three of whom shall constitute a quorum for doing business) persons named above as directors shall be the directors of said company, and have power to make by-laws for the government thereof, not inconsistent with the laws of this State or of the United States.

Vacancies, how filled.

Books of subscription to be opened.

4. *And be it enacted*, That a book of subscription to the capital stock of said company shall be opened, under the direction of the board of directors, in such manner and at such time as they may designate; and it shall be lawful for said directors to call and demand from the subscribers to said stock, instalments not exceeding ten per centum thereof, and with not less than thirty days intervening between each demand so made; in case any subscriber shall neglect or refuse to pay any instalments when called for as above provided, and within thirty days thereafter, such stock and all previous payments thereon may be forfeited, but only by a resolution of the board of directors; as soon as twenty-five hundred dollars of said stock is subscribed, and twenty-five per centum thereof paid in, in cash, it shall be lawful for said company to commence business.

Failure to pay instalments to work forfeiture.

Town authorities authorized to subscribe to capital stock.

5. *And be it enacted*, That any of the adjoining town authorities, or any body corporate may, and they are hereby authorized to subscribe to the capital stock of this company.

Corporation empowered to take water, and to lay pipes through land, streets, &c.

6. *And be it enacted*, That the said Water Supply Company are hereby authorized and empowered to take water from the upper waters of the stream which enters the Pequannock river from the west, between Pompton and Bloomingdale, near the property of one Linen, or waters

contiguous thereto; and to store and convey such waters by means of aqueducts, pipes, mains, reservoirs and other suitable works and appliances, through the lands, streets and roads of the town or village of Pequannock, and adjoining towns; and also to take and hold any land or other property, and to exercise any powers not inconsistent with the laws of this State for carrying into full effect the purposes of this act; *provided*, that nothing in this act contained shall be construed to permit or empower the said Water Supply Company to divert any of the feed waters necessary to any artificial navigation or water power, authorized by the laws of this State, to the prejudice thereof, nor to impair or interfere with the rights of any existing company formed for the purpose of artificial navigation or for manufacturing purposes.

May hold lands.

Proviso.

Survey and map of land taken to be made and filed.

7. *And be it enacted*, That the said company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, on which the land of each owner shall be designated, which map shall be signed by the surveyor making the same, and by the president of said company, and be filed in the office of the clerk of the town or village of Pequannock; and the said company, by any of its officers, surveyors or agents, may enter upon any lands or premises for the purpose of making such examination, surveys, levels or maps.

May enter on lands.

Proceedings when no agreement can be made between company and owners of land.

8. *And be it enacted*, That in case said company cannot agree with the owner or occupants of any lands or water intended to be taken or used as aforesaid for the purpose thereof, the said company may apply to the judge of the circuit court of the county of Morris, for the appointment of three commissioners, by whom the compensation to be paid for the lands or water required and proposed aforesaid to be used and taken, shall be ascertained and determined; and in case of the refusal, disability or neglect to act of any of said commissioners, the judge of the court aforesaid shall, on application, appoint others in their places.

Commissioners to take oath and make a true and just award, and give notice of meeting.

9. *And be it enacted*, That the commissioners shall, before entering upon the duties of their office, take and subscribe an oath, before some person duly authorized by the laws of this State to administer oaths and affirmations, that they will faithfully, and without fear or favor, render true and just award on each and every case submitted by the company to them; they shall also give at least ten days' notice, in

one of the newspapers published in Morristown, of their meeting, and cause a notice of the same to be posted upon each and every of the premises in question, and so far as with ordinary diligence they may ascertain the residence or place of business of the parties interested therein, they shall notify them of said meeting through the post office or by personal service; in case any such owner shall be married women, insane, infants, or otherwise incapacitated to act for themselves, the judge aforesaid may appoint some suitable person to act in their behalf before the said commissioners; the commissioners may issue subpœnas to compel the attendance of witnesses before them, and they, or any of them, may administer the usual oath to such witness; the commissioners shall keep a true record of their proceedings, containing the testimony taken, and showing the sum awarded to each owner or other person, and return the same to the clerk of said court to be filed as of record; the company shall pay each commissioner the sum of five dollars per day for every day necessarily spent by him in the performance of his duties under this act.

Compensation of commissioners.

10. *And be it enacted*, That the said company, or any party to the proceedings of the commissioners may, within ten days after any award or determination is filed as aforesaid, appeal therefrom, upon due notice to the other party or parties interested in the same, and the said court shall, upon the report of the commissioners, proceed to hear the said appeal, and may confirm the proceedings of the commissioners, set the same aside for irregularity, or order new proceedings and appraisements.

Proceedings in case of appeal from award of commissioners.

11. *And be it enacted*, That upon the payment or legal tender of any compensation awarded by the said commissioners, or in case of appeal by the court, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid and to hold and use the same to themselves and their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same with the clerk of said court.

May enter upon all lands and waters.

12. *And be it enacted*, That the legal authorities of Pequannock or adjoining town or village, are hereby authorized to enter into any arrangement mutually agreed upon by them and the company, to give, take and receive a supply of

Corporate authorities may make arrangements and agreements for supply of water.

water for sanitary purposes, for public hydrants, for the extinguishment of fire or other general purposes.

Penalty for injury to works and water.

13. *And be it enacted*, That if any person shall knowingly, willingly or maliciously corrupt the water in any reservoir, hydrant, pipes or other portion of said company's works, or destroy or injure such works, he shall forfeit or pay treble damages, one-half to said company and the balance to the overseers of the poor of the townships or towns, to be sued for and recovered by any citizen thereof, and such person on conviction thereof, before any court having jurisdiction of the offence, shall be punished by fine and imprisonment, by fine not less than fifty dollars, and by imprisonment not exceeding one year, or by both fine and imprisonment, at the discretion of the court.

Towns and villages may obtain a supply of water.

14. *And be it enacted*, That this act shall be deemed and taken to be a public act, and the legal authorities of any of the towns or villages are hereby authorized to call any meeting of the taxable inhabitants thereof, for any purpose for which any meeting may be required or necessary under the provisions of this act, for the purpose of obtaining a supply of water for their inhabitants.

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

Approved March 27, 1871.

CHAPTER CCCXXXI.

An Act to vest the title to certain real estate in Passaic county, late of Morris Baumgarten, deceased, in Minna Baumgarten, his widow.

Preamble.

WHEREAS, Morris Baumgarten, late of the city of Paterson, county of Passaic, and State of New Jersey, died intestate, and seized of certain real estate in one of the suburbs of said city, hereinafter described; AND WHEREAS, the said Morris Baumgarten left a widow, Minna Baumgarten, but no heirs at law him surviving, whereby the title to said real estate escheated to the State of New Jersey, subject to the said widow's right of dower therein;

AND WHEREAS FURTHER, said real estate is encumbered by mortgages to a great part of its value, to wit: to the amount of about sixteen hundred dollars, upon an actual value of less than three thousand dollars, and the said widow has paid taxes assessed upon said land, and has out of her own means paid various considerable debts of her said deceased husband; now therefore, in consideration of the aforesaid circumstances,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the right, title and interest of the State of New Jersey, in and to the following described tract or parcel of land and premises situate at Riverside, in the city of Paterson, in the county of Passaic, and State of New Jersey, late of Morris Baumgarten, aforesaid, deceased, be and the same is hereby absolutely vested in the said Minna Baumgarten, widow of the said Morris Baumgarten, her heirs and assigns forever, to wit: a tract beginning at a point in the westerly line of West Eighth street, two hundred and fifty feet distant from the north corner of Fifth avenue and West Eighth street; and running from thence, one, northwesterly at right angles to West Eighth street, two hundred feet to West Ninth street; thence, two, northeasterly along West Ninth street, one hundred and sixty-six feet more or less to Fourth avenue, as the same has been widened; thence, three, easterly along Fourth avenue as widened, two hundred and thirteen feet more or less to West Eighth street; and thence, four, southwesterly along West Eighth street, two hundred and fifty-seven feet more or less, to the place of beginning; being lots numbers ten and from twelve to twenty eight, both inclusive, as the same are laid down on a map entitled "Riverside in the East Ward of the city of Paterson, New Jersey," made by J. H. Gretschius, C. E., November, eighteen hundred and sixty six. Title vested.

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

Approved March 27, 1871.

CHAPTER CCCXXXII.

An Act to incorporate the Hibernia Mutual Fire Insurance Company, of Newark, New Jersey.

Corporate name.

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

Capital stock.

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

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That Thomas O'Conner, Martin Burne, James Mullin, Thomas Jones and James Donahue be, and the same are hereby appointed commissioners to open the books of subscription to the capital stock of said company, and ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, by publication in a daily newspaper published in the city of Newark, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners, or a majority of them to do.

4. *And be it enacted*, That when the said capital stock of one hundred thousand dollars shall be subscribed, and fifty

thousand dollars thereof paid in, that then the subscribers to said capital stock (upon ten days' previous notice in a newspaper published in the city of Newark, given by the commissioners hereinbefore named), shall proceed to the election of a board of directors, which said board of directors shall then proceed to the election of president and the appointment of such other officers as may be necessary to manage the business of the company, who shall hold their respective offices at the pleasure of the board of directors; and the whole of the said capital stock of one hundred thousand dollars shall be paid in within one year after the election of said board of directors as aforesaid, unless the board of directors otherwise order. Election of directors.

5. *And be it enacted*, That the said capital stock may be increased at any time by the directors to such an amount as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock after giving twenty days' previous notice in a daily newspaper published in the city of Newark, and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others, and the terms of said subscription shall be fixed and determined by the said directors, and notice given as above directed; and the whole of said increased capital stock shall be paid in within sixty days after the closing of the books of subscription for said increased capital stock. Capital stock may be increased.

6. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by twelve directors, seven of whom shall constitute a quorum to transact business, who shall respectively hold their offices until the next annual election, or until others are chosen, and shall at all times during their continuance in office be stockholders in the said company in their own right; the annual election for directors shall hereafter be held on the second Monday of January, in each and every year, at such hour of the day, and at such place in the city of Newark as the board of directors, for the time being, shall appoint, of which election public notice shall be given in a daily newspaper published in the city of Newark, at least ten days previous to such election: and such election Directors to manage the business of corporation. Annual election.

shall be by ballot, and a plurality of the stockholders, in person or by proxy; at their first meeting the said directors shall, by lot or otherwise, divide themselves into four classes of three each, the term of the first class shall expire at the first annual election to be held in January, anno domini one thousand eight hundred and seventy; the term of the second class shall expire at the second annual election; the term of the third class shall expire at the third annual election; and the term of the fourth class shall expire at the fourth annual election, so that at each annual election three directors shall be elected whose term of service shall be four years.

Directors to divide into classes.

May make by-laws, &c.

7. *And be it enacted*, That the said directors shall have power to make and prescribe all such by-laws, rules and regulations as to them shall appear needful and proper for the management of the business and property of the said company, to fill any vacancy that may occur in their own body, at a meeting to be called as the by-laws may provide, and from time to time to appoint and change such officers as may be necessary to manage the business of the company, and to allow them respectively, such compensation for their services as in their judgment may be reasonable.

May insure against loss by fire.

8. *And be it enacted*, That it shall and may be lawful for said company to insure houses and other buildings, and personal property of all kinds, against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance.

Policies or contracts binding on corporation.

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

Stock deemed personal property.

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

May purchase and hold real estate and public stocks

11. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to redeem the money so pledged or secured, either at law or equity; and also to purchase on sales made under judgment at law or done in equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock or funds, may purchase and hold any public stock created by the incorporated cities, and the townships and counties of this State or the States of New York, Ohio, Pennsylvania, Massachusetts and Connecticut, and also the stock and other securities created by the said States or the United States, or may loan on bonds, secured by mortgages on real estate within this State, worth double the amount of the money loaned thereon, and not otherwise.

Dividends.

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

Persons insured may participate in profits.

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

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

Approved March 27, 1871.

CHAPTER CCCXXXIII.

An Act to incorporate the "Somerville Dime Savings Bank."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That John W. Taylor, Edward F. Loomis, Edwin C. Schoot, John T. Conklin, Culver Barcalow, Nelson Young, Samuel W. Davenport, Alvah A. Clark, and William Ross, junior, and their successors, are constituted and created a body corporate and politic, by the name of

Corporate name.

"The Somerville Dime Savings Bank," and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever, and to be located at Somerville, Somerset county, New Jersey.

May purchase, hold and convey real estate.

2. *And be it enacted*, That it shall be lawful for said corporation to purchase, hold and convey real estate: first, such as shall be requisite for its accommodation in the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act; third, such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose.

Restrictions.

3. *And be it enacted*, That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in the cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its proper accommodation in the transaction of its business.

Election of trustees and officers.

4. *And be it enacted*, That the business of the said corporation shall be managed and directed by a board of trustees, who shall elect from their number a president, two vice presidents, secretary, treasurer, and such other officers as they may see fit: five of the said trustees, of whom the president, or one of the vice presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least five members of the board shall

be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Vacancies, how filled.

5. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees of the said corporation; and all vacancies by death, resignation or otherwise, shall be filled by the board by ballot, without unnecessary delay, and at least five votes shall be necessary for the election of any trustee; the said trustees shall hold a regular meeting at least once a month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be elected to fill his place, unless a majority of the board, for a sufficient and valid reason, shall excuse such absence; the president, or in his absence, one of the vice presidents, shall have the power to call a meeting upon three days' notice.

May receive and invest deposits.

6. *And be it enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be, from time to time, offered therefor, not exceeding the sum of three thousand dollars from any one individual, and investing the same in the stocks and bonds and treasury notes of the United States, or in the stock and bonds of this State, or of any city in this State, of the county of Somerset, or of the town of Somerville, in the county of Somerset, or loaning the same upon bonds secured by mortgage upon unincumbered real estate situated within the county of Somerset, or the counties adjoining or adjacent thereto, worth at least double the amount loaned thereon; and it shall be the duty of the said trustees to invest as soon as practicable in the securities above named, all sums received by them beyond an available fund, not exceeding one-third of the total amount of deposits with said institution, at the discretion of said trustees, which said available fund the said trustees may keep to meet current payments of said corporation, and which by them may be kept on deposit on interest or otherwise, or in such available form as the trustees may direct, and all sums received on deposit shall be paid to such depositor when required, at such time, and with such interest and under such regula-

tions as the board of trustees shall, from time to time, prescribe, which regulations shall be posted up in some public conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made.

Certificates of deposit.

7. *And be it enacted*, That all certificates or other evidences of deposit made by the proper officer of such corporation shall be as binding on the corporation as if they were made under their common seal; it shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of the profits of said corporation, after deducting all expenses; *provided, however*, that said trustees may allow to depositors to the amount of five hundred dollars or upwards, one per centum less than the amount allowed others.

Regulation of interest.

Proviso.

May make by-laws.

8. *And be it enacted*, That the board of trustees of the said corporation shall have power from time to time to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the regulations of the times of the meetings of the officers and trustees and generally for transacting, managing and directing the affairs of the corporation; *provided*, such by-laws, rules and regulations are not repugnant to this act, or to the constitution or laws of this State.

Proviso.

Security may be required.

9. *And be it enacted*, That the subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and said board shall fix salaries of such officers and agents.

Books shall be open to inspection.

10. *And be it enacted*, That the books of said corporation shall at all times during the hours of business, be open for inspection and examination by the proper officer authorized by the laws of this State.

Deposits by minors and married women.

11. *And be it enacted*, That whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the check, receipt or acquittance of such minor, shall

be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and whenever any deposits shall have been made by married women, may repay the same on their own receipt.

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

Approved March 27, 1871.

CHAPTER CCCXXXIV.

An Act for the relief of the heirs of Henry J. S. Hall, deceased.

Preamble. WHEREAS, said Henry J. S. Hall, in his lifetime, did dedicate to public uses a strip of land now known as Essex street, in Hackensack, in consideration that part of the public road in front of his house should be vacated and did thereupon enclose said part with his house, and proceedings were taken to vacate the same, which were defective because the road laws do not apply to villages; and the public have full possession, control and enjoyment of the land so dedicated, and it is just that the aforesaid arrangement should be in good faith carried out:

Public roads vacated. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all public roads enclosed with said homestead, late of Henry J. S. Hall, deceased, by the fence as it now stands, be and the same are hereby vacated, and the lands within said fence relieved from all rights of the public therein as fully as if no public road had ever existed thereupon; *provided*, that the street opened and dedicated by the said Henry J. S. Hall in the place and stead of the road or street above mentioned or intended to be vacated, shall be and remain forever herafter a public street and highway as the same is now opened and used and described in a certain deed to Garret G. Ackerson, made by the said Hall and wife, dated the twentieth day of October, A. D. eighteen hundred and fifty-three, and recorded in the Bergen county Clerk's office, in Book S. 4 of deeds, on page

Proviso.

Proviso. 466; *and provided further*, that the lands described in said deed and lying south of the south line of said dedicated street, shall be vested in said Garret G. Ackerson and his heirs and assigns forever, absolutely freed and discharged from all right to, interest in, and control over or restrictions upon the use of the same of him, the said Henry J. S. Hall, his heirs or assigns, or any other person or persons claiming under him or them.

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

Approved March 27, 1871.

CHAPTER CCCXXXV.

An Act to incorporate the Washington Fire Insurance Company of Plainfield, New Jersey.

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

Corporate name.

Powers.

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

commence business when fifty thousand dollars of said stock shall be subscribed and paid in.

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That Elston Marsh, Jeremiah R. Van Deventer, Elias R. Pope, Joseph B. Coward, Isaac P. Brown, George A. Marsh, John D. Egbert, Alfred D. Cook, Zachariah Webster, John C. Sutphen, Carmon Parse, William White, Jeremiah Manning, Benjamin F. Webster, James F. Hubbard, Joseph M. Osborn and William S. Stevens, be and the same are hereby appointed commissioners, or a committee of five appointed by them, to open the books of subscription to the capital stock of said company, and that ten days' previons notice of the time and place of the opening of said books, shall be given by the said commissioners, or the committee appointed by them, by publication in a weekly newspaper published in the city of Plainfield, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners or a majority of them, so to do.

Election of directors and officers.

4. *And be it enacted*, That when the said one thousand shares of the capital stock shall be subscribed, that then the subscribers to said capital stock (upon ten days' previous notice in a newspaper published in the city of Plainfield given by the commissioners hereinbefore named, or the committee appointed by them), shall proceed to the election of a board of directors, which said board of directors shall then proceed to the election of a president, and the appointment of such other officers as may be necessary to manage the business of the company, who shall hold their respective offices at the pleasure of the board of directors.

Capital stock may be increased.

5. *And be it enacted*, That the capital stock may be increased at any time by the directors, to such an amount as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock, after giving twenty days' previous notice in a newspaper published in the city of Plainfield, and the persons who shall then own the stock of said company, shall have the privilege for five days of subscribing for said increased stock, and after that time, if not subscribed for by the said stockholders, it may be subscribed for by others, and the terms of said subscription shall be fixed and determined by the said directors, and notice given as above directed, and the whole of said increased capital stock shall be paid in within sixty days after the

closing of the books of subscription for said increased capital stock.

Directors to be stockholders.

6. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by twelve directors, seven of whom shall constitute a quorum to transact business, who shall respectively hold their offices until the next annual election, or until others are chosen, and shall at all times during their continuance in office, be stockholders in the said company, in their own right; the annual election for directors shall hereafter be held on the second Monday of May, in each and every year, at such hour and place in the city of Plainfield, as the board of directors, for the time being, shall appoint, of which election public notice shall be given in one or more newspapers published in the city of Plainfield, at least ten days previous to such election, and every such election shall be by ballot, and by a plurality of the stockholders in person or by proxy; at their first meeting, the said directors shall by lot or otherwise, divide themselves into four classes of three each; the term of the first class shall expire at the first annual election, to be held in May, one thousand eight hundred and seventy-two; the term of the second class shall expire at the second annual election; the term of the third class shall expire at the third annual election, and the term of the fourth class shall expire at the fourth annual election, so that at each annual election three directors shall be elected, whose term of service shall be four years,

Annual election.

Directors to divide into classes.

May make by-laws.

7. *And be it enacted*, That the said directors shall have power to make and prescribe all such by-laws, rules and regulations as to them shall appear needful and proper for the management of the business and property of the said company, to fill any vacancy that may occur in their own body, at a meeting to be called as the by-laws may provide, and from time to time to appoint and change such officers as may be necessary to manage the business of the company, and to allow them, respectively, such compensation for their services as in their judgment may be reasonable.

Property that may be insured.

8. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings, and personal property of all kinds, against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance.

9. *And be it enacted*, That all policies or contracts

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

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

11. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities, mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to redeem the moneys so pledged or secured either at law or equity, and also to purchase on sales made under judgment at law, or done in equity or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate, and for the purpose of investing any part of their capital stock or funds, may purchase and hold any public stocks created by the incorporated cities, and the townships and counties of this State, or of the States of New York, Ohio, Pennsylvania, Massachusetts and Connecticut, and also the stocks or other securities created by said States or the United States, or may loan on bonds secured by mortgages on real estate within this State worth double the amount of money loaned thereon, and not otherwise. May purchase and hold real estate

12. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of Dividends.

the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives.

Persons insured may participate in profits.

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

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

Approved March 27, 1871.

CHAPTER CCCXXXVI.

A Supplement to the act entitled "An act to improve certain roads or avenues in the township of Hackensack, in the county of Bergen," approved February sixteenth, one thousand eight hundred and seventy.

Amendment.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the act to which this is a supplement be, and the same is hereby amended, by striking out the word "township" from the said section, and the exemption from taxes granted in and by the said section shall cease at the end of three years from the time of the passage of this supplement, unless, previous to that time, the commissioners under the said act shall have macadamized the avenue therein named Grand avenue.

Power of commissioners.

2. *And be it enacted*, That if the said commissioners, after they shall have advertised under the fourth section of the said act, shall be satisfied that they can effect the improvement proposed by them with less expense by day labor than by contract, then they may either proceed directly to make the said improvement by day labor, or re-advertise under

the said fourth section, as they shall see fit; and if they shall proceed by day labor, the assessment for said improvement shall be made in the manner provided in the said act for work done under contract.

Assessments, how made.

3. *And be it enacted*, That any assessment made by said commissioners under said act, for the improvement or repair of the avenue named in said act Broad avenue, shall be made only on the lands fronting on the said avenue, in proportion to the benefit received, in the judgment of said commissioners, by the owners of said lands.

Proceedings in case of appeal from action of commissioners.

4. *And be it enacted*, That any person feeling aggrieved by the action of the said commissioners under said act, in making any improvement or repairs, or in making any assessment therefor, may, within thirty days from the filing of the certificate of assessment in the county clerk's office, as required by the seventh section of the said act, appeal to the court of common pleas of the county of Bergen, by serving a notice in writing upon any one of said commissioners, and the said court shall have full power to hear, determine and review the action of the said commissioners in the premises, and the same, or any award, assessment or other action to confirm, alter, modify, set aside or reverse, in whole or in part for errors either of fact or in law; and the said court shall have power to hear and try the same in a summary way, and may summon a special jury to determine any question of fact; and the said court may proceed in due course according to the power of the court in other cases, and the determination of the said court shall be final and conclusive in the premises, and not subject to appeal or review, and the said court, or any judge thereof, may until such determination, stay all proceedings in the matter in reference to which the appeal may be taken, until such final determination, and like fees and costs shall be paid to the judges, jury, officers of the court and parties as are allowed in other causes of which said court has or may have jurisidiction; and the said court shall have power to make and prescribe all necessary forms, rules and regulations in the conduct of any proceedings to be taken under these provisions; *provided*, that any person so feeling aggrieved at the valuation of his property, or the amount of his assessment under said act, may within the said thirty days, instead of appealing to said court of common pleas, serve a notice in writing upon one of the said commissioners, that he intends to

Proviso.

submit the matter of grievance to arbitration and thereupon such person shall choose one arbitrator, and the said commissioners shall choose another, and the said arbitrators shall have authority to determine the whole matter, and if they do not agree they shall choose an umpire, who shall determine such matter, such determination by the said arbitrators or umpire to be in writing, and to be as final and conclusive in the premises as the determination of the said court is hereinbefore made; the said arbitrators and umpire to be freeholders, resident in the county of Bergen; and if such determination shall not be made within twenty days from the service of notice, all proceedings by arbitration shall cease, but the aggrieved person may within ten days thereafter appeal to said court in manner aforesaid; but if no appeal shall be taken, or no notice of arbitration shall be served in the time and in the manner prescribed herein, the action of the said commissioners shall take effect, and they shall proceed to carry out the same under the said act.

Annual report to be made.

5. *And be it enacted*, That the said commissioners shall hereafter make an annual report of their receipts and expenditures under the said act, to the township committee of each township through which the avenues worked or improved under said act shall run, and the said committee shall audit the account so reported, and publish a general statement of the result of their examination, in at least one newspaper published in the county of Bergen.

Collector.

6. *And be it enacted*, That the provisions of the said act applying to the collector of the township of Hackensack, with regard to the collection of assessments, shall apply only to the collector of the township in which the lands assessed shall lie at the time of the final confirmation of the assessment by the said commissioners.

Term of office.

7. *And be it enacted*, That the term of office of the said commissioners under said act, shall not expire until the end of three years from the passage of this supplement.

Repealer.

8. *And be it enacted*, That so much of the said act to which this is a supplement, as is inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1871.

CHAPTER CCCXXXVIII.

A Supplement to "An Act to incorporate the Union Association of the Childrens' Home, of Burlington county, New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of said association, in addition to the powers conferred upon them by the act to which this is a supplement, approved April third, one thousand eight hundred and sixty-seven, be and they are hereby authorized to take under their care and management all persons, male or female who, from any cause whatever, may be considered entitled to charity and deserving of assistance, and apply the funds of said association to that purpose. Board of managers.

2. *And be it enacted*, That if at any time hereafter it shall be deemed advisable to abandon the project for which said association has been established, it shall be lawful for the board of managers, at any meeting called for that purpose, by a majority vote, to authorize the sale and conveyance by said association, of whatever real estate they may own, at such price as they may consider the same worth, and after paying all their just debts, may appropriate the proceeds arising therefrom, as well as all other of their personal estate for and towards any benevolent or charitable association or associations, or objects in the county of Burlington, State of New Jersey, as may be deemed best; *provided*, that previous notice of the meeting of said managers be first published in at least one newspaper in said county of Burlington, stating the object of said meeting; *and provided also*, that the action of said board of managers be approved of by a majority of the board of counsellors. May sell and convey real estate in case they dissolve. Proviso. Proviso.

3. *And be it enacted*, That whenever such appropriation of the assets of said association shall be made as hereinbefore authorized, then this association shall cease to exist. Limitation.

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

Approved March 27, 1871.

CHAPTER CCCXXXIX.

An Act to incorporate the Father Matthew Total Abstinence Benefit Society, Number One, of Junction, Hunterdon county, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Welch, Michael A. Murphy, Hubert Dailey, Dennis Lannigan, Michael McKeon, Patrick Murray, John Dennan, Daniel McCarthy, John Ownes, John Mynihan, Michael Mynihan, Michael McCarthy, Patrick Murphy, John O'Hare, Daniel Stack, Cornelius Connell, Patrick Cronin, and such other persons as are now or hereafter shall become members of the Father Matthew Total Abstinence Society, Number One, are hereby constituted a body incorporate, by the name aforesaid, to have perpetual succession, and to have a common seal.

Corporate name.

Object.

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

May appoint officers.

3. *And be it enacted*, That said corporation shall have power to appoint such officers as to them shall appear necessary for conducting the business of the corporation, which officers, so chosen and appointed, shall be under oath for the faithful performance of the duties of their offices, respectively, and shall give security, if required, for the faithful execution of the duties of their office, in such sum or sums, and with such securities as may be directed by the corporation.

May adopt by-laws, &c.

4. *And be it enacted*, That the said corporation shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of their meetings, and for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State, or of the United States.

Proviso.

5. *And be it enacted*, That the said corporation may hold

real or personal estate, either purchased or devised, not to exceed the amount of twenty thousand dollars. May hold real or personal estate.

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

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

Approved March 27, 1871.

CHAPTER CCCXL.

Supplement to an act entitled "A further supplement to the 'Act authorizing the inhabitants of several townships to vote by ballot.'"

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the road districts, in the township of Kingwood, in the county of Hunterdon, shall hereafter be elected as follows: the taxable inhabitants of the several road districts shall elect overseers in their respective districts, at two o'clock in the afternoon of Saturday preceding the annual town meeting in each year; the overseers of each road district in said township, shall give five days' notice of the time and place of holding the election, by notices set up in three of the most public places in said district, and the old overseer shall preside at said election, except in case of his absence, or death, the inhabitants shall choose a chairman from amongst them, whose duty it shall be to preside, and he shall certify the result thereof to the town clerk on the day of the next annual town meeting, who shall record the same in the town book; and such election of overseers for said road districts shall be by ballot. Time and manner of election of overseers of roads.

2. *And be it enacted*, That if any road district in said

Township committee may appoint on neglect or refusal to elect.

township shall neglect or refuse to elect an overseer for said district at the time specified, as aforesaid, or if the overseer of any road district in said township shall remove or die, or become unable to discharge the duties of an overseer, then it shall be the duty of the township committee of said township to appoint an overseer of said district from the taxable inhabitants thereof, and the person thus appointed shall hold his office until a successor shall have been elected or appointed.

Repealer.

3. *And be it enacted*, That all acts or parts of acts that are inconsistent with this act, are hereby repealed.

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

Approved March 27, 1871.

CHAPTER CCCXLI.

A supplement to an act entitled "An act for the improvement of Flemington," approved the fourteenth day of March, in the year of our Lord one thousand eight hundred and seventy.

Power conferred on board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the same powers and authority conferred upon the board of commissioners of Flemington, by the fifth section of the act to which this is a supplement, in respect to the width, grade and construction of the sidewalks in front of the improved lots and property in said town, are hereby conferred upon said commissioners, in respect to the width, grade and construction of sidewalks in front of unimproved lots and property in said town.

May light the town by gas.

2. *And be it enacted*, That it shall and may be lawful for said commissioners, out of the moneys placed at their disposal by the act to which this is a supplement, to cause said town to be lighted by gas in such manner as they may deem necessary and proper.

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

Approved March 27, 1871.

CHAPTER CCCXLIV.

An Act to enlarge the powers of the Township Committee of the township of Landis, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of Landis township, in the county of Cumberland, are hereby authorized and empowered to purchase and maintain such buckets, fire hooks and ladders, and carriages for the same, as they may deem necessary for the protection of property in case of fires; and may dig, build and maintain such wells, reservoirs and cisterns for water as they may deem necessary to supply water in case of fires. Township committee may purchase and maintain fire hooks, carriages, &c., in case of fire.

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

Approved March 27, 1871.

CHAPTER CCCXLV.

An Act to set off from parts of School District, Number Two, in the township of Harrington, Bergen county, a new School District, to be known as Demarest School District, of Harrington township, Bergen county, and to authorize a special assessment therein.

WHEREAS, the inhabitants of School District, Number Two, in the township of Harrington, Bergen county, have expressed a desire to divide said school district by reason of its territorial extent, and the inconveniences thus occasioned in the attendance of scholars; AND WHEREAS, the inhabitants of the several parts of said district have unanimously assented thereto in public meetings assembled; therefore, Preamble.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the territory lying within the following limits, viz: beginning on the Hackensack river on the road known as the Schraalenberg and Flats road, thence along said road to the new road, known as Homans road, to Closter brook; thence along the north line of Jacob Blauvelt's farm, in a direct line, to the line of School District, Number Seven; thence southerly and easterly along said line to the Hudson river; thence along the Hudson river to the boundary line between the townships of Harrington and Hackensack; thence along said boundary line along the public road westerly, to the southerly line of Ralph S. Demarest and the Poke farms; thence in a line direct to the southerly line of Garret Zabriskie's farm; thence northerly along the Flats farms to the place of beginning; shall hereafter be known and designated as Demarest School District, in the township of Harrington, Bergen county.

Name.

Assessor to assess a special tax.

2. *And be it enacted*, That for the purpose of compensation to the residents of the district to be known as School District, Number Two, after this act shall take effect, for their estimated interest in the lot and school building, which shall thereafter belong to the residents of Demarest School District, it shall be lawful for the assessor of the township of Harrington, at the time of making his annual assessment, to assess upon the lands lying within the said Demarest School District hereby created, a special tax in the sum of five hundred dollars, said tax to be assessed pro rata upon each acre of land therein, without regard to the value of the land.

Tax to remain a lien.

3. *And be it enacted*, That until payment of said special tax is made, it shall be a lien upon the land lying within said Demarest School District; *provided however*, that any land shall be exempt from said lien upon proof by the collector of said township, that the special tax as herein specified shall have been paid by the owner or owners thereof.

Proviso.

Special tax to be collected as other taxes.

4. *And be it enacted*, That in case of nonpayment of said special tax by any portion of said owner or owners of land lying in said Demarest School District, the said owner or owners shall be proceeded against after the first day of January, one thousand eight hundred and seventy-two, and such taxes shall be collected in the same manner in which other taxes of delinquents are collected.

5. *And be it enacted*, That it shall be the duty of the trustees of Demarest School District to issue their draft upon the township collector in favor of the trustees of School District, Number Two, for said amount of said special tax, to wit, the total sum of five hundred dollars, said draft to be drawn dated January first, one thousand eight hundred and seventy-two, payable on demand by the collector of the township, to the written order of the school trustees of District Number Two, and which, when paid in full, shall be deemed a full and fair acknowledgment of all claims upon the school property in Demarest School District, and all interest or claims which the said inhabitants of District Number Two, may have had in or upon the school property of Demarest School District, shall thereafter and forever cease. Trustees to draw upon township collector. Claim upon school property to cease.

6. *And be it enacted*, That this act shall take effect on the first day of July next. Take effect.

7. *And be it enacted*, That all acts or parts of acts, in anywise conflicting or interfering with the provisions of this act, be and are hereby repealed. Repealer.

Approved March 27, 1871.

CHAPTER CCCXLVI.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the town of Orange," approved March third, anno domini one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the said town of Orange shall have power to borrow, from time to time, any further sum or sums of money, not exceeding, in the aggregate, the sum of ten thousand dollars, to be used in the permanent improvement of the streets and highways of said town; and, also, any further sum or sums of money, not exceeding, in the aggregate, the sum of twenty-five thousand dollars, to be used in the purchase of real Common council may borrow money for improvements and erection of school houses.

estate, and in the erection thereon of a school house or school houses, which shall be under the control and direction of the board of education of said town; and that said council may secure the repayment of the said sum or sums so borrowed, together with legal interest thereon, in such manner, and upon such terms, as to the said council may seem proper, by the issuing of bonds, to be signed by the mayor and countersigned by the town clerk, and sealed with the common seal of said town; and that the principal and interest moneys shall be paid and extinguished in the same manner as any other indebtedness of said town is authorized to be done.

May issue bonds.

Election and term of office of commissioners of appeal.

2. *And be it enacted*, That instead of three commissioners of appeals in cases of taxation, one being elected from each ward, as heretofore, there shall hereafter be four commissioners of appeals in cases of taxation, who shall be elected by ballot at each annual charter election, by the legal voters of the town, in their respective wards, for the town at large; they shall severally hold office for the term of one year, and shall possess the powers and perform the duties of the like officers in any township of this State, and be liable to the same penalties, so far as powers, duties and penalties may be consistent with the said act, or with this or any other supplement thereto; and that, in any election to be held for such commissioners, no ballot shall be counted for said commissioners which shall contain the names of more than two persons for such office, and that the four persons receiving the highest number of votes shall be declared to be duly elected as such commissioners.

President to act in absence of mayor.

3. *And be it enacted*, That in case of the absence of the mayor from the said town, for the space of more than one week at any one time, the president of the common council shall serve as acting mayor during such absence, under and by such name as acting mayor; and that such officer shall, for and during the time of such absence, be invested with all the powers and functions, and shall perform all the duties of the said mayor; *provided, however*, that said acting mayor shall not have any authority or power to sign, approve or disapprove any ordinance or ordinances which may be passed by the common council, or to sign any note, bond, or other obligation of the town for the payment of money, or in any other way to pledge the credit of the said town for any purpose whatsoever.

Proviso.

4. *And be it enacted*, That in all cases where any street, or any part thereof, hath heretofore been, or may hereafter be, macadamized for not less than three-fifths of the width thereof, and to a depth of not less than twelve inches, and the sidewalk and gutter have been or shall be curbed and paved, under and in pursuance of an ordinance of the common council, and the expense thereof hath been or shall be duly assessed upon and paid by the owner or owners of the lands and real estate on the line of said street, or said part thereof, the said owner or owners shall not be liable or subject to any general tax for regulating, cleaning and keeping in repair the streets, highways, side and crosswalks, and public grounds of said town upon or by reason of said lands and real estate for and during the term of five years from and after the twentieth day of May next succeeding the year in which the improvement shall have been carried into effect. Owners of land and real estate not liable to any general tax for repairing streets, &c.

5. *And be it enacted*, That in any charter election to be hereafter held in said town, for town and ward officers, or either of them, no judge, clerk or other member of the board of election, shall be disqualified or prevented from being elected to any office to be filled at such election, except, however, the office of justice of the peace. No member of board of election disqualified from being elected to any office.

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

Approved March 27, 1871.

CHAPTER CCCXLVII.

A Supplement to an act entitled "An act for the better government of the Amicable Meadow Company, in the county of Salem," approved February twentieth, one thousand eight hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act to which this is a supplement, approved April fourteenth, Repealer.

one thousand eight hundred and sixty-eight, be and the same is hereby replealed.

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

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

Approved March 28, 1871.

CHAPTER CCCXLVIII.

An act authorizing the removal of the mill-dam within the limits of the townships of Bridgewater and Piscataway, in the counties of Somerset and Middlesex.

Preamble. WHEREAS, the inhabitants of the said townships of Bridgewater and Piscataway, have by their petitions set forth that the removal of the mill-dam, so situated, would add greatly to the beauty and growth of the surrounding country; AND WHEREAS, since the building of the Central Railroad the mill-dam has been run to the railroad bank, on the westerly side of the stream and also raised, to a certain extent, partially covering many acres of land, before dry and fertile, causing it to be unseemly and prejudicial to the interest of the surrounding country; AND WHEREAS, they have by their petitions requested the aid of the Legislature of this State to remove the same, and it appearing to the Legislature that the owner of the mill-dam referred to, has consented that the Legislature should legislate on the subject, reserving and securing to him a fair and equitable consideration for his property taken; therefore,

May remove mill-dam. 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 townships of Bridgewater and Piscataway, by their trustees, agent or agents, by this act, hereinafter appointed at any time after the passage of this act, as hereinafter in this act specified whenever it shall be deemed expedient by them so to do, to pull down and remove the mill-dam of

Lewis P. Clark, in Boundbrook, in said townships of Bridgewater and Piscataway, first having paid or secured to be paid to the said Lewis P. Clark, the sum of money awarded to him as hereinafter provided for.

Valuation of water privileges, how made.

2. *And be it enacted*, That the inhabitants aforesaid, by their agents hereinafter appointed, may apply to any one of the judges of the supreme court of this State, first giving ten days' notice, in writing, of such intended application, and of the time and place of such application to the owner or owners of said mill-dam, to appoint three suitable and disinterested persons as commissioners, to meet together, examine, estimate, and fix a valuation on the water privileges of the mill site above mentioned, and the said judge when applied to as aforesaid, on due proof being made that said notice has been given according to law, in which the decision of the said judge shall be final and conclusive, is hereby authorized and required to appoint three suitable and disinterested persons as commissioners, to examine, estimate and fix such valuation as aforesaid, and the said persons so appointed as aforesaid, shall meet at such time and place as the said judge shall direct, a copy of which appointment shall be served by the agent or agents of said inhabitants, on each of the persons so appointed, at least six days prior to the time of their meeting, and like notice shall be served upon the owner or owners of the mill-dam intended to be removed.

Commissioners to make assessment of damages.

3. *And be it enacted*, That the persons so appointed as aforesaid when met as aforesaid, on due proof being made to them that notice of their meeting has been served upon the person or persons entitled to such notice according to law, upon which they shall decide, and their decision shall be final and conclusive; shall view the said mill site and make an assessment of the damages the owner or owners of the same will sustain by the removal or taking down thereof, which said assessment shall be certified under the hands and seals of said commissioners or a majority of them, two copies of which said assessment shall be made and certified as aforesaid, one of which shall be filed in the clerk's office of the county of Middlesex, and the other in the clerk's office of the county of Somerset, and which said assessment so made and certified as aforesaid shall be evidence of the amount to which the owner or owners of said dam shall be entitled.

Proceedings in case owners are dissatisfied with assessment.

4. *And be it enacted*, That if the said owner or owners shall be dissatisfied with the assessment so made by said commissioners, he or they may, within fifteen days after the said assessment is filed as aforesaid, apply to the same or some other judge of the supreme court, upon giving like notice as aforesaid, of such intended application, which said judge shall appoint four other competent and disinterested persons not residing within the said townships of Bridgewater and Piscataway, to act as commissioners with the three commissioners first appointed, to examine said mill site and review the assessment made by the commissioners first appointed, and lessen or increase the same as to them in their judgment shall seem meet and just; and the report of the said seven commissioners, or a majority of them, made in writing under their hands and seals, shall be filed in the offices of the clerks of the counties of Middlesex and Somerset, and shall be final and conclusive.

Assessments, how made.

5. *And be it enacted*, That after the assessment as provided for in the third section of this act, shall have been made and confirmed, the commissioners first appointed shall assess upon the inhabitants residing within the district hereinafter mentioned and described, who are subject to taxation, an amount equal to the amount of the assessment and expenses of making thereof, so made as aforesaid, said assessment to be made within three months from the time such valuation and assessment shall be finally made and filed in the clerks' offices of the counties hereinbefore mentioned, which said assessment shall be made in manner following, to wit, first, on all lands reclaimed by the removal of the mill-dam hereinbefore mentioned, their full value; second, on all lands in a wet and damp condition, but which will be improved and rendered valuable by the removal of said dam; third, the surrounding uplands and those in the vicinity which will be especially improved and thereby rendered more valuable; lastly, all of the real estate situate in the district hereinafter named, according to its value.

Copies of assessments to be made and filed.

6. *And be it enacted*, That four copies of said assessment or assessments shall be prepared by said commissioners acting as assessors, and certified under their hands, one of which copies shall be filed in the clerk's office of the county of Somerset, one in the clerk's office of the county of Middlesex, and one to be delivered to each of the collectors of taxes of the township of Bridgewater, in the county of Som-

erset, and the township of Piscataway, in the county of Middlesex, for collection; and the said collectors shall forthwith proceed to collect the same, and they are hereby invested with all the powers and authority, and shall be entitled to the same compensation which the law gives them for the collection of township and county taxes, and they and their securities are hereby made liable to all the penalties and liabilities, and subject to all the fines and forfeitures imposed by the laws of this State for the neglect or default in the performance of the duties imposed upon or required of the collectors of taxes of township and county taxes; and the said collectors whenever they shall receive to the amount of one hundred dollars and upwards on account of taxes herein imposed, shall immediately pay over the same to the trustees or agents of said inhabitants appointed by this act, and they shall pay the same from time to time, or at any one time, to the owner or owners of the said dam, to whom awards shall be made, or to their legal representatives, taking receipts for the same, and release or releases, for the rights, privileges and property surrendered by him or them, and for which compensation is awarded.

Collectors to collect.

7. *And be it enacted*, That the real estate lying in the district hereinbefore referred to, and which shall be liable to taxation for the purposes of this act, shall be situate, lying and being within the district bounded as follows, to wit: in the township of Bridgewater aforesaid, beginning at the junction of the Boundbrook and Raritan river; thence up the Boundbrook and line of Bridgewater township to the line of Warren; from thence in a straight line, a westerly direction, passing Chimney Rock, to the Middlebrook; thence down Middlebrook, a southerly direction, to the Raritan river; thence down the Raritan river to the place of beginning; and in the township of Piscataway aforesaid, beginning on the Boundbrook or Greenbrook, striking the north line of Tunis C. Brokaw; thence running along said division line, and lines of Henry Smock, to the lane or driftway leading out to the road near the residence of Thomas Vail; thence along said lane or driftway to the said road; thence in a straight line, a southerly direction, to the junction of the road known as Harris' lane, with the road near to and westerly of the residence of Nathaniel Oakley; thence with the last mentioned road, southerly, to its junction with the road at or near Ambros brook; thence

Boundaries of real estate liable to taxation.

up said Ambros brook to the southeasterly line of the farm formerly owned by Squire Alexander, and now occupied by Alexander Harris; thence with the division line of said farm and the farm of Stelle Runyon, and the same direction to the Raritan river; thence up the Raritan river, Boundbrook and Greenbrook to the place of beginning.

Trustees.

8. *And be it enacted*, That the following named persons be, and they are hereby appointed agents or trustees on the part of the inhabitants residing within the boundaries hereinbefore described, namely: Robert S. Smith and John Bush, of the county of Somerset, and Richard R. Field, of the county of Middlesex, and that they be invested with all the powers and authority necessary to carry into full effect the provisions of this act.

Powers.

Removal of dam.

9. *And be it enacted*, That the dam shall not be removed except between the first day of November and the thirty-first day of December, in any year.

Compensation of officers.

10. *And be it enacted*, That the judge or judges granting any rule or making any appointment under and by virtue of this act, shall receive the sum of one dollar for every rule by him or them made; the commissioners and assessors shall be entitled to the sum of five dollars each for every day not exceeding fifteen days he or they shall be engaged in the business imposed upon them by this act, and the clerks of said counties of Somerset and Middlesex, the sum of twenty-five cents each for each paper by them filed.

No mill dam or obstruction to be erected.

11. *And be it enacted*, That from and after the passage of this act, no mill-dam or other obstruction shall ever be erected across the waters of said Boundbrook on any account or on any pretext whatever.

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

Approved March 28, 1871.

CHAPTER CCCXLIX.

An Act to facilitate judicial proceedings in the county of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be four judges of the inferior court of common pleas of the county of Passaic, in addition to the justice of the supreme court holding the circuit for said county, one of which judges shall be a counsellor-at-law of this State, and shall have practiced as such counsellor in this State for a period of three years at least, and any two of said judges, or one of said judges with the said justice of the supreme court, may hold the inferior court of common pleas, the court of general quarter sessions of the peace, and the orphans' court of said county, and such additional judge by this act provided for shall be president judge of said courts whenever the justice of the supreme court shall be absent. Additional judge of common pleas created. President judge.

2. *And be it enacted*, That such additional judge shall receive a salary of two thousand five hundred dollars per annum, payable by the board of chosen freeholders of said county, in quarterly payments, but shall receive no share of the fees or compensation now divisable among the judges in any of the said courts; *provided nevertheless*, that he shall be at liberty to practice law otherwise than in the courts of said county. Compensation of additional judge. Proviso.

3. *And be it enacted*, That the courts of common pleas and general quarter sessions of the peace, in and for said county, may hold adjourned and special terms of said courts, or either of them, under the regulations already provided by statute, in case of the circuit court and court of oyer and terminer and general jail delivery. Common pleas and quarter sessions may hold special terms.

4. *And be it enacted*, That indictments for all crimes, except treason and murder, may be handed down by the court of oyer and terminer and general jail delivery, unto and be tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in Indictments may be handed down for trial.

order to expedite the business of said court and to deliver the jail, and it shall be lawful for the said court of general quarter sessions of the peace to try such indictments so handed down, and to proceed to judgment thereon, but not unless the said justice of the supreme court, or the said president judge shall be present; and the said justice of the supreme court shall be entitled to receive the same fee on each indictment so handed down, as though the same had been tried in the court of oyer and terminer and general jail delivery.

Proceedings in case of persons who waive indictment and request trial.

5. *And be it enacted*, That whenever any person or persons shall be charged upon oath before any justice of the peace in the county of Passaic, or before the recorder of the city of Paterson, with any offence within the jurisdiction of the said court of general quarter sessions of the peace, and such person shall in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury and request to be trie immediately, it shall be the duty of said prosecutor to apply to the presiding judge of the said court for the immediate trial of said person, and thereupon the said presiding judge, unless he shall think the public interest will be benefitted by denying said request, shall call a court of special quarter sessions, to be composed of himself and at least one other judge of said court, to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; and if any person arraigned for trial before said court under this act shall be, or profess to be ignorant of the English language, it shall be the duty of said court to cause the writing by such person signed, and the nature of the proceedings, to be interpreted and explained to such person, and not to proceed with said trial unless such writing shall be by such person thereupon again signed; if any person arraigned before said court of special quarter sessions shall be acquitted by such court, he shall be discharged forthwith; if he shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by

law in case such person had been duly indicted and convicted.

Duty of prosecutor.

6. *And be it enacted*, That it shall be the duty of said prosecutor (in person or by deputy) to attend upon such trial before said court of special quarter sessions, to prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, his accusation, plea, trial and sentence, subpœnaing of witnesses, and the costs of such proceedings, shall be in conformity with law, and especially the provisions of the thirty-fourth and thirty-fifth sections of the act entitled "An act for the punishment of crime," approved April sixteenth, eighteen hundred and forty-six; and the costs now taxable thereunder, if not paid by the party convicted, shall be paid by the board of chosen freeholders, as in proceedings under said sections, and ten dollars shall be taxed for the said prosecutor's services in each case disposed of under this act, as part of the costs aforesaid, where a conviction of any person accused shall be had by plea or otherwise.

Prosecutor may employ deputies.

Fees.

7. *And be it enacted*, That it shall be lawful for said prosecutor to employ such assistants or deputies in the discharge of his duties, to be by him alone compensated and directed, as he shall deem necessary, subject to the approval of the court of oyer and terminer for said county, as to the persons by him selected therefor; and ten dollars shall be taxed for said prosecutor's attendance at coroners' inquests.

Clerk of the county to be clerk of court.

8. *And be it enacted*, That the clerk of said county shall be the clerk of the said court of special quarter sessions, and shall issue all process, whether of capias, subpœna or execution, which shall be required in carrying out this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations, and with the same compensation as heretofore; and the said sheriff shall be the executive officer of said court, and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office as heretofore.

Cases of larceny shall be tried.

9. *And be it enacted*, That hereafter no person charged with larceny in said county shall be tried otherwise than before said court of special quarter sessions, hereby pro-

vided for, or on regular indictment according to the usual course of proceedings at law.

Appointment of clerk of grand jury.

10. *And be it enacted*, That hereafter the clerk of the grand jury of said county shall be nominated and appointed by the court of oyer and terminer and general jail delivery, and not otherwise.

Date of commission of additional judge.

11. *And be it enacted*, That this act shall take effect immediately; but the commission of the additional judge hereby provided for shall bear date and take effect on the first day of April, eighteen hundred and seventy-one.

Approved March 28, 1871.

CHAPTER CCCL.

An Act to incorporate the Marine and Inland Telegraph Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Timothy W. Lord, Jabez Feary, John A. Wright, Albanus Worthington, Henry C. Worthington, Amos E. Middleton, John Collier, Jacob F. Cake, John E. Snowden, and such other persons as may hereafter become associated with them in the Marine and Inland Telegraph Company, their successors and assigns,

Body politic.

shall be and are hereby made and constituted a body politic and corporate, for the purpose of making, using and maintaining telegraph lines and communications through the counties of Hudson, Bergen, Essex, Union, Middlesex, Somerset, Mercer, Monmouth, Burlington, Ocean, Camden, Atlantic, Gloucester, Salem, Cumberland and Cape May,

Corporate name.

by the name, style and title of "The Marine and Inland Telegraph Company," and by that name, style and title shall have perpetual succession, and all the privileges,

General powers.

franchises and immunities incident to a corporation, may sue and be sued, plead and be impleaded, in all courts of justice, may purchase, receive, have, hold and enjoy to them, their successors and assigns, all such lands, tenements and

hereditaments, goods and chattels, and estates, real, personal and mixed, of what kind and quality soever, as may be necessary for the purpose of the said corporation, and the same from time to time may sell, convey, mortgage, encumber, charge, grant, lease, alien and dispose; to make dividends of such portions of their profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, or ordinances, rules and regulations as may be necessary or convenient for the government of the corporation hereby created, not being contrary to the constitution and laws of the United States or of the State of New Jersey, and generally may do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the said corporation, and the management and ordering of the affairs and business of the same; *provided*, that nothing herein contained shall be so considered and construed as to give to the said corporation any banking privileges or franchises, or any privileges or franchise but such as may be necessary or belong to the making, using or maintaining the said telegraph lines and the connections it may form for the advancement of its interests.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the corporation shall be fifty-five thousand dollars, divided into shares of twenty-five dollars each, certificates of which shall be signed by the president and countersigned by the secretary, and sealed with the common seal; which stock shall be transferable in person or by attorney, executors, administrators, guardians, trustees or officers, under such regulations as may be provided by the by-laws; *provided*, that if the business of the corporation shall require any additional wire or wires, that the stockholders shall at any regular or special meeting convened for that purpose, of which three weeks' notice shall have been given in one or more of the public papers of the county or counties through which the line passes or is intended to pass, have the right to increase the capital stock, if found necessary, to any amount not exceeding two hundred and fifty thousand dollars.

Proviso.

May purchase, make and use side lines.

3. *And be it enacted*, That the said corporation shall have power to purchase, make, use and maintain any connecting or side lines; *provided*, that no connecting or side

Proviso.

lines not purchased or made by the said company shall be used by them unless the consent of the owners shall first be obtained in writing; and the said corporation shall have power to lease its own lines and telegraphic property to other parties or corporations, or lease from other parties or corporations their lines and other telegraphic property.

Election of directors and officers.

4. *And be it enacted*, That the persons named in this act, or any four of them, shall call a meeting within six months from the passage of this act, of the corporate body hereby created, giving three weeks' notice of the time and place of holding the same in at least two newspapers of this State, for the purpose of choosing a president and eight directors, which eight directors, with the president, shall constitute the board of directors for the management of the affairs of the corporation; and said board shall elect a secretary and treasurer, either or both of whom may be chosen from their own number; said board shall hold their office for the term of one year and until their successors are elected, and shall exercise all the powers pertaining to the making, maintaining, use and management of the said telegraph lines, and the affairs, interests and business of the said corporation; that the annual meeting of the said corporation shall be held on the first Tuesday of June in each and every year, unless the stockholders, at an annual meeting, shall otherwise direct; that the place and time of holding the first election shall be fixed in the call for the same, and thereafter it shall be determined by the stockholders at their annual meeting; special meetings may be called by a majority of the directors whenever, in their opinion, the interests of the company require it, or requested by one-third of the stockholders.

Annual meeting.

Special meetings

Each share entitled to one vote.

5. *And be it enacted*, That at each and every election for officers each share shall entitle the holder thereof to one vote, to be given by ballot, and stockholders may be represented by proxy.

Authorized to erect, construct and maintain lines of telegraph.

6. *And be it enacted*, That the said company shall be and are hereby authorized to erect, construct and maintain their lines of telegraph over or under any of the public roads, streets and highways, and through, across or under any of the waters within the limits of this State; *provided*, the same shall not be so constructed as to interfere with the safety or convenience of persons traveling on or over the said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to

authorize the construction of any bridge across any of the waters of this State; *provided, also*, that the use of the public streets in any of the incorporated cities and towns of this State shall be subject to such regulations and restrictions as may be imposed by the corporate authorities of said cities or towns. Proviso.

7. *And be it enacted*, That if any person or persons shall willfully injure, destroy or obstruct the use of any telegraph constructed, maintained or worked by virtue of this act by the said company, or any of their necessary works, the person or persons so offending shall be deemed 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 anywise injure the right of action for damages by civil suit being authorized to be brought for any such injury as aforesaid by and in the name of the said company, in any court of this State having cognizance of the same. Penalty for injuring works. Proviso.

8. *And be it enacted*, That it shall be the duty of the said company, at all times, without charge, on request of any public officer of this State, to transmit (confidentially, if required,) over their lines of telegraph, messages relating to the public business of this State, and also, at all times, to assist the public officers of the State by the transmission of intelligence. Shall transmit messages on public business without charge.

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

Approved March 28, 1871.

CHAPTER CCCLI.

An Act to incorporate the Hainesport Land and Building Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hezekiah B. Smith, Robert Clark, George H. Ives, Joseph Wilkins, John D. Johnson, William Bartrane, Barclay Haines, John R. Slack, Robert Corporators.

S. Hall and all such other persons as may be hereafter associated with them, their successors and assigns shall be, and they are hereby constituted and declared a body corporate and politic, in fact and in name, by the name of "The Hainesport Land and Building Association," and by that name said association and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing, and being sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatsoever; and shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate, in this State, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid.

Corporate name and powers.

Corporation to be managed by directors

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this State, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in April, in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Burlington; and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors; and the directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever, among the directors of said association, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint; and until other directors

Election of directors and officers.

Vacancies, how filled.

are chosen from the stockholders the first directors shall be the persons named in the first section of this act, who shall hold their office until others are legally chosen; and the principal office of the company shall be located at Hainesport, Burlington county, New Jersey. Office.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same to any sum from time to time, not to exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as two hundred and fifty shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed, paid, or secured to be paid, it shall and may be lawful for said association to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said association to call for and demand from the stockholders respectively such instalments, and at such times, and in such proportions as they shall deem proper and expedient, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper published in the county of Burlington, or shall be given in writing to the stockholders for the like space of time before such instalments are required to be paid; and in case of failure of any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the association; and the books of subscription for the stock of the said corporation shall be opened at such time and place and remain open such time in the county of Burlington as the directors shall appoint, notice being given previous thereto in a newspaper printed in said county, and the shares of said capital stock shall be deemed personal property, and transferable on the books of the association in such manner as the said corporation by their by-laws shall direct. Capital stock. Failure to pay instalment to work forfeiture

4. *And be it enacted*, That the said association are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real or personal estate, as they may have and hold from time to time, in whole or in parcels, and to improve the same by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying May lease sell and convey lands.

Lay out and open streets.

out such lands and real estate into lots; to lay out and open streets, roads or highways, either public or private, through and both to and from their own property, and to maintain and keep in order the same by such rules and regulations as may be necessary in order so to do, and to use the same for agricultural purposes, or in any other lawful way that the said association may deem necessary and advisable, and to purchase, make up, manufacture, sell and dispose of all materials pertaining to the erection of buildings, or for other purposes, and to use the same in the erection of buildings or for other purposes.

May make by-laws, &c.

5. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for the transaction of the business of the said association, and shall have power to make such by-laws, ordinances and regulations as may be necessary and convenient for the management or disposition of the stock, effects and general interests and concerns of the said association; *provided*, the same are not contrary to the constitution of the United States, or of this State.

Proviso.

Failure to elect directors not to be dissolved.

6. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said association shall not, for that cause, nor for any other non-user, be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct.

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

Approved March 28, 1871.

CHAPTER CCCLII.

An Act to incorporate the Montclair Gas and Water Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William A. Torrey, Robert M. Hening, Lewis S. Benedict, George S. Dwight, Frederick H. Harris, A. C. Benedict, Jr., and John Torrey, Jr., and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors,

shall be and are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Montclair Gas and Water Company," and by that name shall have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of actions whatever, have a common seal, and make, change and alter the same at pleasure, and purchase, hold and enjoy such real and personal estate as may be necessary or useful for the object of this incorporation, or may be taken in payment of debts; that the stock of the said corporation shall be deemed personal property, and shall consist of twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each, with the privilege of increasing the capital stock to one hundred thousand dollars, divided into four thousand shares of twenty-five dollars each, when so desired by a majority of the stockholders; and that the management of the concerns of the said corporation shall be entrusted to five directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders, which shall be held on the second Tuesday in May, at such hour and place in the township of Montclair, in the county of Essex, as said directors shall from time to time appoint, a notice of which election shall be published in a newspaper published in said county for three successive weeks next before such election, at least once in each week; that all such elections shall be by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote for each share of his or her stock, and the five persons voted for at such election having the greater number of votes, shall be the directors of said corporation for the succeeding year, and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that five directors shall not be elected, the said stockholders shall again proceed in like manner to elect from among the stockholders so many as shall complete the number of five directors, out of which number the said directors shall, by a plurality of their votes, elect one for their president, and in case of a vacancy in the office of any of the said directors by death, resignation or otherwise, others shall be chosen by said directors, or a plurality of

Corporate name.

Capital stock.

Time and election of directors.

Vacancies, how filled.

them, to fill such vacancy; and a majority of the said directors, for the time being, shall be a quorum for transacting business.

Commissioners to open books and receive subscriptions.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of the said corporation, and they, or a majority of them, may open books for that purpose at Montclair aforesaid, and at any other place or places in the said county of Essex, at any time and times after the passage of this act, giving ten days' previous notice thereof in one or more newspapers published in the said county of Essex; and five dollars on each share of stock subscribed for shall be paid at the time of subscribing therefor, and the balance to be paid by instalments from time to time, and in such sums as the said commissioners or directors of said corporation shall think proper and direct, not exceeding five dollars on each share at any one time, and whenever five hundred shares of stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders within sixty days thereafter, by giving fifteen days' notice of the time and place, in the county of Essex, of such meeting, in one or more newspapers published in said county, for the purpose of electing directors and transacting other necessary and proper business; and when the directors are elected the said commissioners shall pay over to them the money they shall have received, first deducting therefrom all expenses incurred by them; and all the powers of the said commissioners shall cease and be determined on the election of a board of directors, and the said directors, or a majority of them, shall have power, from time to time, to open books for the further subscription of stock until the whole number of shares of stock is subscribed, and are also authorized to call on the subscribers for the payment of further instalments, in such sums, at such times, and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, the payment of said instalments shall be at least thirty days apart, and shall not be called for in a larger sum than five dollars on each share at a time, and fifteen days' notice of each instalment required shall be given in one or more newspapers published in said county.

Proviso.

Powers of directors.

3. *And be it enacted*, That the directors shall be authorized, in their discretion, to appoint such officers, agents and

servants as they may from time to time deem necessary for carrying into effect the objects and powers of said corporation; to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and require such security from them for the faithful discharge of their respective duties as they shall deem reasonabe and proper; and for and concerning the manner of making transfer of the stock, and the conduct and government of all persons and corporations with whom they may contract for the use and preservation of gas and water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding fifty dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation, before any justice of the peace of the county of Essex, with costs, in an action of debt.

May enter on lands, &c.

4. *And be it enacted*, That the said corporation shall be and is hereby empowered and authorized to enter upon lands, make any and all necessary and proper excavations, for the purpose of laying down, and to lay down all necessary and proper gas pipes and conductors; to construct all necessary buildings, works and offices on property they may own, and to erect proper posts, burners, lights and reflectors in any and all of the streets, lanes, alleys, avenues, roads, highways and public grounds, at Montclair, aforesaid, or in places in said county contiguous thereto, and to do all things necessary and proper to be done for the purposes of lighting the same, and the dwellings, stores and other buildings and places at Montclair, and the places in said county contiguous thereto; and that, also, for the purposes of effectually supplying with water the said town of Montclair, and other places in said county, and the inhabitants, and the corporate authorities and manufacturing and other corporations, companies and associations desiring the use of water, it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contracts with persons, companies, associations and corporations for the supply, use and preservation of water; to erect, construct or maintain all works and structures necessary or convenient to the purpose of this act, and to lay down pipes and other conducts, and to erect and construct hydrants and fire plugs

May make contracts.

in the streets, alleys, lanes and other places, and to do all things necessary for supplying water, as aforesaid; *provided*, that the public travel upon the streets, lanes and alleys shall at no time be unnecessarily affected or impeded in the laying and repairing of said gas and water pipes, or the erection of said posts, or the erection and construction of said fire plugs or hydrants, or other necessary or proper work; and the streets and crosswalks, public grounds, lanes and avenues shall not be injured, but shall be left, in all cases, in as good and perfect condition as before the laying of said gas and water pipes, or other necessary or proper work, was commenced; and no private lands shall be injured or defaced without permission first obtained from the owner thereof.

Proviso.

May borrow money and issue bonds.

5 *And be it enacted*, That said corporation shall have power to borrow money at any time or times, not exceeding two-thirds of their capital stock, and to secure the same by bond or bonds, or other evidences of debt, bearing an interest not exceeding seven per centum per annum, and mortgage upon their property, franchises and privileges, by such other assurance or assurances as they may deem expedient.

Penalty for injury to property.

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

Proviso.

Survey and map of lands to be made.

7. *And be it enacted*, That the said company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, on which the land of each owner shall be designated, which may be signed by the surveyor making the same, and by the president of said company, and be filed in the office of the clerk of the town or village of Montclair; and the said company, by any of its officers, surveyors or agents, may enter upon any lands

or premises for the purpose of making such examination, surveys, levels or maps. May enter upon lands to make surveys, &c.

8. *And be it enacted*, That in case said company cannot agree with the owner or occupants of any lands or water intended to be taken or used as aforesaid for the purpose thereof, the said company may apply to the judge of the circuit court of the county of Essex, for the appointment of three commissioners, by whom the compensation to be paid for the lands or water required and proposed aforesaid to be used and taken, shall be ascertained and determined; and in case of the refusal, disability or neglect to act of any of said commissioners, the judge of the court aforesaid shall, on application, appoint others in their places. Proceedings in case no agreement can be made with owners.

9. *And be it enacted*, That the commissioners shall, before entering upon the duties of their office, take and subscribe an oath, before some person duly authorized by the laws of this State to administer oaths and affirmations that they will faithfully and without fear or favor, render true and just award on each and every case submitted by the company to them; they shall also give at leat ten days' notice, in one of the newspapers published in Essex county, of their meeting, and cause a notice of the same to be posted upon each and every of the premises in question, and so far as with ordinary diligence they may ascertain the residence or place of business of the parties interested therein, they shall notify them of said meeting through the post office or by personal service; in case any such owners shall be married women, insane, infants or otherwise incapacitated to act for themselves, the judge aforesaid may appoint some suitable person to act in their behalf before the said commissioners; the commissioners may issue subpœnas to compel the attendance of witnesses before them, and they, or any of them, may administer the usual oath to such witness; the commissioners shall keep a true record of their proceedings, containing the testimony taken, and showing the sum awarded to each owner or other person, and return the same to the clerk of said court to be filed as of record; the company shall pay each commissioner the sum of five dollars per day for every day necessarily spent by him in the performance of his duties under this act. Commissioners to make award. May issue subpœnas to compel attendance of witnesses. Compensation of commissioners.

10. *And be it enacted*, That the said company, or any party to the proceedings of the commissioners may, within ten days after any award or determination is filed as afore- Proceedings in case of appeal.

said, appeal therefrom, upon ten days notice to the other party or parties interested in the same, and the said court shall, upon the report of the commissioners, proceed to hear the said appeal, and may confirm the proceedings of the commissioners, set the same aside for irregularity, or order new proceedings and appraisements; or the said court may order and frame an issue for the trial of the matter in controversy before a jury, and proceed to try the said issue as in other cases of trial by jury, making such orders in the premises in relation to the trial and the payment of the costs and expenses thereof as may be deemed just and proper.

May enter upon, hold and use lands.

11. *And be it enacted*, That upon the payment or legal tender of any compensation awarded by the said commissioners, or in case of appeal, by the court, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same to themselves and their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same with the clerk of said court.

General powers.

12. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable, and shall continue in force fifty years.

Limitation.

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

Approved March 28, 1871.

CHAPTER CCCLIII.

An Act to incorporate the Ancona Printing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David S. Brown, George A. Heyl, James S. Moore, Samuel Chew and Harry C. Heyl,

their associates and successors, be and they hereby are created and declared a body politic and corporate in law, by the name of the "Ancona Printing Company," for the manufacture and printing of cotton, linen and woolen goods in the county of Camden, and such other manufacturing operations as they may deem it expedient to conduct, with authority to purchase and hold such real estate as they may deem expedient for the purposes of the company, and to mortgage, sell or otherwise dispose of the same. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the same to any sum not exceeding five hundred thousand dollars; which shares shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors by their by-laws or otherwise may direct, each share to entitle the holder thereof to one vote, either in person or by proxy; said stock to be subscribed, called for and paid in at such times, in such instalments and upon such notice as the directors may appoint. Capital stock.

3. *And be it enacted*, That the property and affairs of the said company shall be managed by a board of directors not less than three nor more than five in number, of shareholders in said company, to be chosen annually at such time and place in the county of Camden, and upon such notice as the directors by the by-laws or otherwise from time to time may direct and appoint; and that David S. Brown, George A. Heyl, James S. Moore, Samuel Chew and Harry C. Heyl shall be the first directors of said company, who shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others are elected in their stead. Organization of corporation. Directors.

4. *And be it enacted*, That as soon as seventy-five thousand dollars of the said capital stock shall have been subscribed, the said company shall be authorized to proceed to carry out the objects of this corporation; that the directors shall choose out of their own number a president, and shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient, and to fix their compensation; they shall have power to adopt such by-laws, rules and regulations as they may deem necessary and convenient for the management of said company; to fill vacan- May commence business. May adopt by-laws, &c.

cies in their own board until the next annual election, and until others are chosen in their stead; to declare stock forfeited for non-payment of any instalment or instalments, and to sell and issue stock in lieu thereof for the benefit of said company.

Stock to be forfeited for non-payment of instalments.

Annual election.

5. *And be it enacted*, That the first annual election shall be held on the fourth Monday in May at such place as the directors may appoint between the hours of one and five o'clock in the afternoon of said day; and that if it so happen that an election of directors shall not take place on that day or on any subsequent day appointed for that purpose, the said corporation shall not be dissolved, but an election shall be held subsequently in any such case, at such time and place as the directors may appoint.

Annual report to be made.

6. *And be it enacted*, That the directors of said company shall make an annual report to the stockholders at their annual meeting, of the condition and affairs of the said company, of the assets and debts of the company; and no dividends shall be declared except from the actual and net profits of the company,

Dividends.

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

Approved March 28, 1871.

CHAPTER CCCLIV.

An Act to ratify and confirm certain obligations of The New Jersey Railroad and Transporation Company, therein named.

Preamble.

WHEREAS, The Belleville and Newark Horse Car Railroad Company made and executed to Martin R. Dennis and David A. Hayes, trustees, a certain mortgage on all the estate of said company, both real and personal, and on their rights and franchises, bearing date the first day of June, one thousand eight hundred and seventy, to secure the payment of two hundred bonds, for one thousand dollars each, issued by the said company; AND WHEREAS,

The New Jersey Railroad and Transportation Company, by an agreement duly executed under their seal, guaranteed the payment of the principal and interest of said bonds; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said guaranty of The New Jersey Railroad and Transportation Company be, and the same is hereby sanctioned, ratified and confirmed, and declared to be a legal and binding act of the said company. Guaranty ratified, confirmed and binding on corporation.

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

Approved March 28, 1871.

CHAPTER CCCLV.

An Act to confirm the title of land sold by Joel Clarkson, guardian of Ann Ward, Lewis H. Marsh, Henry Marsh, Rachel Marsh and Warren A. Marsh, to James M. Brewster.

WHEREAS, on the seventeenth day of December, eighteen hundred and thirty-four, letters of guardianship of the persons and property of Ann Ward, Lewis H. Marsh, Henry Marsh, Rachel Marsh and Warren A. Marsh, minors, under the age of twenty-one years, were granted by the orphans' court of the county of Middlesex to Joel Clarkson, as appears by the record thereof in Middlesex county surrogate's office, in Book B of Administrations and Guardianships, at page 199; AND WHEREAS, the said minors were the owners of certain lands and real estate situate in the (then) township of Woodbridge, in said county of Middlesex; AND WHEREAS, the said orphans' court, at the December term thereof, eighteen hundred and thirty-four, ordered the said guardian to make sale of all the real estate belonging to the said minors in said county of Middlesex, as appears by the record of said order in said surrogate's office, in book D of the Minutes of said orphans' court, at page 331; AND WHEREAS, the said Preamble.

guardian, in pursuance of said order, sold certain lands of the said minors, situate, lying and being in Bridgetown, (now Rahway) in the township of Woodbridge aforesaid, to one James M. Brewster, for the sum of six hundred and forty dollars, and by his report, dated March seventeenth, eighteen hundred and thirty-five, did report such sale to said court, as appears by the record of said report in said surrogate's office, in Book D of the Minutes of said orphans' court, at page 352; AND WHEREAS, it now appears that there is no record in said surrogate's office of any order or decree confirming the said sale, or directing the said guardian to execute and deliver a deed for said land and real estate so sold as aforesaid to said James M. Brewster, the purchaser thereof; AND WHEREAS, afterwards, on the first day of April, eighteen hundred and thirty-five, the said guardian executed and delivered to the said James M. Brewster a deed bearing date the same day and year last aforesaid, purporting to convey to the said James M. Brewster, his heirs and assigns forever, the lands and real estate so sold as aforesaid, as appears by said deed, duly recorded in Middlesex county clerk's office, in Book 28 of Deeds, at pages 179, 180 and 181; AND WHEREAS, it is alleged that the title of the said James M. Brewster and those claiming under him to the lands and real estate purporting to be conveyed by said deed is defective because of there being no record of any order or decree confirming said sale, and directing the execution and delivery of a deed for said lands and real estate; AND WHEREAS, the whole amount of the purchase money for said lands and real estate was paid by said James M. Brewster to said guardian, at the time of the delivery of said deed, and the said minors have received the full benefit thereof; AND WHEREAS, the said land and real estate has been in the uninterrupted possession of the said James M. Brewster, his heirs and assigns, from the time of the delivery of said deed to the present time; therefore,

Title vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance so made by the said Joel Clarkson, guardian as aforesaid, to the said James M. Brewster, be, and the same is hereby confirmed and declared to be valid and effectual in law, and to convey to and vest in the said James M. Brewster, his heirs and assigns, all the estate of the said

minors so purporting to be conveyed as aforesaid, the same, to all intents and purposes, as if the said orphans' court of the county of Middlesex had confirmed the said sale, and ordered the execution and delivery by said guardian of the said deed.

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

Approved March 28, 1871.

CHAPTER CCCLVI.

A Further Supplement to an act to incorporate the New York and Bull's Ferry Railroad Company, approved March fourteenth, one thousand eight hundred and sixty-one, and the supplement thereto, changing the name to the New York and Fort Lee Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the contract and agreement made on the eighteenth day of December, one thousand eight hundred and sixty-eight, between the New York and Fort Lee Railroad Company and the Erie Railway Company, be and the same is in all respects ratified, validated and confirmed. Contract and agreement confirmed and validated.

2. *And be it enacted*, That a copy of the said agreement, certified by the respective presidents of said companies, shall be filed in the office of the secretary of state, and may be recorded in the office of the clerk of the county of Hudson, and that the said agreement shall, from the date of such filing or recording, be and operate as a first lien upon that part of the railroad of the New York and Fort Lee Railroad Company, which runs from and between the north boundary line of the Delaware and Hudson Canal Company's coal depot and the north line of the property purchased by the said Erie Railway Company, known as the Gregory property, as already constructed, and upon no other part of said road, until the money advanced by the said Erie Rail- Agreement to be filed, &c., and to remain a lien.

way Company, under the said agreement, and the interest thereon shall have been fully paid and satisfied.

May borrow money and secure the same by mortgages, and issue bonds.

3. *And be it enacted*, That the said New York and Fort Lee Railroad Company may borrow money from time to time to such an amount as the necessities of the said company in their judgment may require, and secure the same by a mortgage or mortgages upon its property, real and personal, its railroad franchises, and issue therefore bonds or other evidences of indebtedness, as it may in its discretion deem for the best interests of said company; *provided*, that all mortgages, leases or conveyances which shall be executed by the said New York and Fort Lee railroad company shall be subject to the provisions of the agreement hereinbefore referred to and confirmed to the extent of that portion of said railroad hereinbefore mentioned.

Proviso.

Directors may not be residents of this State.

4. *And be it enacted*, That five of the directors of the New York and Fort Lee railroad company may reside without the limits of the State of New Jersey; *provided*, that the president of said company shall be a resident of this State.

Proviso.

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

Approved March 28, 1871.

CHAPTER CCCLVII.

An Act to make valid a certain deed, between the Essex and Middlesex Turnpike Company, and the New Jersey Railroad and Transportation Company, of the first part, and the city of Elizabeth, of the second part.

Preamble.

WHEREAS, by a deed bearing date on the eighth day of December, one thousand eight hundred and seventy, made between the Essex and Middlesex Turnpike Company, and the New Jersey Railroad and Transportation Company, parties of the first part, and the city of Elizabeth, party of the second part, certain parts of the turnpike of the Essex and Middlesex Turnpike Company, were granted and ceded to the city of Elizabeth, upon certain

terms and conditions therein expressed; and the parties to said deed have entered into arrangements with reference to certain streets, and the use, control, and police thereof, in the said city of Elizabeth, and desire that the said agreement shall be confirmed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed is ratified and confirmed in the same manner, and to the same extent, as if the said parties thereto, prior to the execution thereof, had been fully empowered to make and execute the same. Deed ratified and confirmed.

2. *And be it enacted*, That a copy of the said agreement shall be filed in the office of the secretary of state of this State; and that this act shall be a public act, and shall take effect immediately. Agreement to be filed.

Approved March 28, 1871.

CHAPTER CCCLVIII.

A Further Supplement to the act entitled "An act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads, in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Essex public road board, in pursuance of said act, and the several supplements thereto, is hereby authorized and empowered to lay out, construct, appropriate, improve and maintain for the purpose of free carriage roads in the county of Essex, the following named avenues in the county of Essex: Essex Avenue, beginning at the Newark and Pompton turnpike, in the village of Montclair, opposite the junction of Church street and Fullerton avenue, and running thence through the township of Montclair to Walnut street, at or near the western line of land conveyed by Matilda H. Crane to The Montclair Railway Company; and thence to Watchung avenue, at a point about twelve hundred feet westward of the highway Road board empowered to lay out, construct and maintain free carriage roads. Avenues.

known as the telegraph road, and said board may extend the said avenue to the Mount Hebron road, at or near its intersection with said telegraph road; Midland Avenue, beginning in the northern line of said township of Montclair, at the intersection therewith of the western boundary of lands of Amos Broadnax; and running thence to said Watchung avenue, at the eastern boundary of land formerly of F. Martel; thence to Church street, in said township, about two hundred feet eastward from the public flag staff, near the public school house in said village; thence to Park avenue, in the town of Orange, or in the township of West Orange; thence to South Orange avenue, in the township of South Orange; and thence to Springfield avenue in the township of Milburn; Ridgewood Avenue, beginning at Main street, or at Park avenue, in the town of Orange, and running thence through the townships of East Orange and Bloomfield to the line of the county of Passaic; also, Lincoln avenue, beginning at a point on the stage road to Paterson in the township of Bloomfield about one hundred feet south of the south line of land of Cecile G. Dunscomb; and running thence to the angle in a highway which was laid out across lands of The Montclair Railway Company and of Eliza C. Wilde, on the twenty-ninth day of June, eighteen hundred and seventy; and thence westward through and along said highway; and thence to the highway known as the old road leading from Bloomfield to Montclair; *provided*, that the money necessary to pay the expenses of laying out, opening and constructing said avenues, and the compensation by the said acts directed to be made to property owners, shall in all respects be raised, assessed and paid as is provided in the seventeenth section of the act supplemental to the above entitled act, which supplemental act was approved February sixteenth, one thousand eight hundred and seventy; and the proceedings in and for the laying out, constructing, appropriating, improving and maintaining said avenues, shall be as therein provided for in relation to the roads therein mentioned; *provided*, that the bonds now issued and that may hereafter be issued by the board of chosen freeholders of the county of Essex under the act constituting said public road board, and the several supplements thereto, shall not any time exceed the sum of one million dollars; *and, provided further*, that the expense of maintaining said avenues after the

Proviso.

Proviso.

Proviso.

same shall have been laid out, opened and constructed, shall be paid by the respective townships through which the same may be laid out.

2. *And be it enacted*, That the said seventeenth section of the said supplemental act be amended by striking out the words "two-thirds of the land," and substituting in lieu thereof the words "more than one-half in lineal measurement of the land fronting." Amendment.

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

Approved March 28, 1871.

CHAPTER CCCLIX.

Supplement to an act entitled "An act to authorize the board of chosen freeholders of the county of Hudson to construct a public road from the city of Hudson, in the county of Hudson, to the poor house farm, in the township of North Bergen, in the said county," approved March twenty-seventh, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessment map and report filed in the office of the clerk of the county of Hudson, by virtue of the fifth section of the act to which this is a supplement, shall be delivered by the said clerk of Hudson county to the board of chosen freeholders of the county of Hudson, and it shall be the duty of said board within two months after receiving said report and map, to appoint three disinterested and impartial persons, residents in and freeholders of the said county of Hudson, commissioners to perform the duties required of the commissioners by said act, each of whom shall, within twenty days after their appointment, be sworn or affirmed by any person authorized to administer an oath or affirmation, faithfully and impartially to execute his duty as commissioner under this act, which oath shall be filed with the clerk of the court of common pleas of Hudson county; and it shall be the duty of the Board of chosen freeholders to appoint commissioners.

Commissioners to make new assessment.

said commissioners so appointed, to proceed to make a new assessment of so much of said improvement as has been completed, in the same manner as provided for in the act to which this is a supplement for the whole improvement; and who shall for all things be vested with the same powers, and receive compensation at the same rate as the commissioners appointed by said act, and shall file their report and map thereof, with the clerk of the court of common pleas, within ninety days after their appointment, which report shall be confirmed by the said court of common pleas, within thirty days after the filing of said report and map thereof, which said report shall be final and conclusive upon all parties interested, and that the costs of the expenses of such new assessments shall be added to the expenses of said improvement, and assessed and collected in the same manner as the assessment of such improvement, and that the said report and map now on file in the office of the clerk of the county of Hudson, is hereby delared and made inoperative and void, and that the powers and duties of the commissioners heretofore appointed by the circuit court of the county of Hudson, shall cease and determine, and their appointment is hereby declared void; *provided*, that the compensation allowed the said commissioners so appointed by the circuit court of the county of Hudson shall be included in the assessment to be made by the commissioners appointed by this act.

Proviso.

Expenses and costs.

2. *And be it enacted*, That the expenses and costs required to be paid by the board of chosen freeholders of the county of Hudson shall include one quarter of so much of the improvement as has been completed.

No writ of certiorari to be maintained.

3. *And be it enacted*, That no certiorari or other proceeding shall be had or maintained, because said public road authorized to be constructed by the act to which this is a supplement, is of less width than sixty feet, or because of any defect in any of the proceedings heretofore had or taken, or that may be hereafter had or taken, by virtue of said act or any supplement thereto, and that as soon as the said report shall be confirmed by the court of common pleas of Hudson county, as herein stated, the said assessment shall be due and payable, and shall be a lien on the lands assessed, and collected in the same way and manner as directed and required by the act to which this act is a supplement.

Assessment to be

4. *And be it enacted*, That notwithstanding any mistake

occurring in the name or names of the owner or owners of any lands or real estate, in assessing the same for the improvement authorized by the act to which this is a supplement, such assessment shall be valid and effectual in law against such lands or real estate, and the same may be proceeded against, and sold in the manner, and with the same effect as though such assessment had been made in the name of the real owner or owners thereof; *provided*, that in the advertisement of sale of such land or real estate, the name or names of the real owner, if discovered, shall be made to appear. Assessments to be valid notwithstanding any mistake in name of owners. Proviso.

5. *And be it enacted*, That the act to which this act is a supplement shall be, and remain as heretofore, and this act shall be made applicable thereto, except so far as amended by this supplement, and all parts of said act as are inconsistent with this act be, and the same are hereby repealed. Repealer.

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

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

Approved March 28, 1871.

CHAPTER CCCLX.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under and by virtue of an act of the Legislature of the State of New Jersey, approved February twenty-third, one thousand eight hundred and seventy, "entitled A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of Newark,' approved March eleventh, one thousand eight hundred and fifty-seven," are hereby, in addition to the powers and duties conferred upon them by Commissioners empowered to grade and curb streets, avenues, or highways, &c.

said act, authorized, empowered and directed to grade all or any portion of the lands purchased by them, or the title to which has been or shall be vested in the mayor and common council of the city of Newark, under and by virtue of the act of the Legislature last above mentioned; and also to grade and curb the whole or any portion of the streets, avenues or highways which they shall project and lay out upon and across, or which may already exist within the territory described in said last mentioned act, including both sides of the following streets, to wit: Avon avenue, from its intersection with Clinton avenue as laid down upon a map filed in the office of the city clerk by the commissioners to lay out streets, avenues and squares in the new portion of the city, to the west side of Belmont avenue; Belmont avenue, from the south side of Avon avenue as so laid out, to the north side of Waverly place, and Somerset street, from the north side of Waverly place, to Avon avenue.

Avenues.

Costs and expenses of grading and curbing city property, how paid.

2. *And be it enacted*, That the whole amount of the costs and expenses of grading the lands and premises above mentioned, and of grading and curbing such portion of any of said streets or avenues as shall lie in front of any lands purchased by, or the title to which has been or shall be vested in the mayor and common council of the city of Newark, under and by virtue of the act of the Legislature last above mentioned, shall be paid by said commissioners out of the proceeds of the sale of the bonds in said act mentioned, and shall be held to be a part of the cost, charges and expenses, and be included in the assessment provided for in the fifth section of the act last above mentioned, in case any assessment shall be made.

Costs and expenses to be paid to commissioners.

3. *And be it enacted*, That the whole amount of the costs and expenses of grading and curbing such portion of any of said streets or avenues as shall lie in front of any lands or real estate not purchased by, and the title to which is not vested in the said mayor and common council of the city of Newark, as aforesaid, shall be paid to said commissioners by said mayor and common council of the city of Newark, upon the certificate of the commissioners of the completion of said work, approved by the city surveyor, and shall be a lien upon said lands and real estate, and the common council having ascertained the amount of the same, shall cause an assessment thereon to be made by the city surveyor, which, and all subsequent proceedings for the collection of the

Assessment to be made.

same, shall be conducted in all respects in the manner now provided by law in case of other similar assessments for improvements made by said common council.

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

Approved March 28, 1871.

CHAPTER CCCLXI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the middle of Broad street, which would be intersected by a line drawn through Clinton avenue; thence running westerly along the centre of Clinton avenue to the line of Clinton township; thence southeasterly along the dividing line between the township of Clinton and the city of Newark to the intersection of the same with the New Jersey Railroad avenue; thence northerly along the centre line of said avenue to its intersection with Broad street; thence along the centre line of Broad street to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the Fourteenth ward of the city of Newark. Boundaries of wards.

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

3. *And be it enacted*, That the alderman of the Third ward now residing in that part of the present Third ward, created by this act into the Fourteenth ward, shall serve as alderman of the Fourteenth ward for the remainder of the Alderman to serve remainder of term.

term for which he was elected, and at the annual charter election in October next, an alderman shall be elected in the Third ward to fill the vacancy in said ward caused by the creation of the Fourteenth ward.

Election of ward officers.

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

Election, how conducted.

Commissioners of public schools to be divided into classes.

5. *And be it enacted*, That at the first or subsequent meeting of the board of education, after the first Tuesday after the first day of January next, the commissioners of public schools, elected from the said ward hereby created, shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second

Tuesday in October, in the year one thousand eight hundred and seventy-two, and every year thereafter, the said ward hereby constituted, shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

Vacancy, how filled.

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

Appointment and powers of police justice.

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

When to take effect.

Police justice to enter on the duties of his office.

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

Elections, by whom conducted

Duties of officers of election.

which devolve upon them respectively, in like manner as the officers of election of the other wards of the city of Newark are required by law to do.

Approved March 28, 1871.

CHAPTER CCCLXII.

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

Preamble.

WHEREAS, certain roads heretofore laid out by the surveyors of the highways, in this State, have failed to be opened for public use as lawful highways, by reason of the neglect of town clerks to serve notice upon the owners of lands assessed for benefits, as required by law; therefore,

Notices served by persons interested in owners of lands assessed shall have full force and effect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the case of any public road or highway in the county of Union, which has been or may hereafter be laid out or altered by the surveyors of the highways according to law, if the township clerk of the township in which said road or highway is situated shall have refused or neglected, or shall refuse or neglect to serve the notice upon owners of land assessed for benefits, as required by section sixteenth of a supplement to this act, approved on the twenty-third day of March, one thousand eight hundred and fifty-nine, within the time and in the manner directed therein, then it shall be lawful for any one of the applicants, or any other person or persons interested in the said road, to give such notice at any time thereafter, and the notice so given shall have the same force and effect as if it had been served by the clerk within the time, and in the manner as aforesaid; and the owners of lands who shall be assessed for benefits, or to whom damages shall have been allowed by the surveyors, shall have the same right of appeal, at any time within thirty days after the service of such notice, as they or any of them would have had if such notice had been served by the clerk of the township in which said

Owners may appeal.

road shall have been laid out or altered, within the time now required by law.

Town committee to pay damages, &c.

2. *And be it enacted*, That after notice shall have been given to the owner or owners of lands assessed for benefits, by the town clerk, or any other person or persons, as above provided for, if no appeal from such assessments shall have been made within thirty days thereafter, or if an appeal shall have been made and such assessments confirmed or altered, then it shall be the duty of the town committee of the township in which said road or highway is situatad, immediately thereafter, to deduct the amount of benefits assessed on each land owner from the amount of damages awarded the same, and to cause the excess of damages, if any, in each case to be paid at once to the person or persons entitled to receive it, from any funds available, to the credit of the township; and in case there shall not be funds in hand sufficient to advance the amount necessary for such purpose, then it shall be lawful for any applicant or other person interested in said road to advance such amount, or any part thereof, and the township committee shall thereupon give their note or obligation for the amount so advanced, payable when the same shall have been collected; or at the option of the person or persons advancing the necessary amount, the same may be credited to him or them on any subsequent payment of taxes due to said township, upon due proof being made of the loaning or advancing of such amount; to the end that the roads and highways duly laid out according to law, may be opened for the public use and benefit, with as little delay as possible.

Committee to give their note for money advanced by any person interested.

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

Approved March 28, 1871.

CHAPTER CCCLXV.

An Act to incorporate the Hudson Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James F. Fielder, Edward W. Serrell, Charles J. Pusey, Aaron K. Cory, William

H. Connett, Charles H. Murray, Henry J. Irick, Albert L. Runyon and Willard Derby, and their associates, shall be and they are hereby declared to be a body corporate, in fact and in law, by the name of "The Hudson Improvement Company," and by that name shall have succession fifty years, and may sue or be sued, in any court whatever, contract and be contracted with, and have and use a common seal, and the same may change at pleasure, and may make by-laws and regulations for the government of their affairs, not inconsistent with the constitution or laws of this State, or of the United States.

Corporate name.

Authorized to contract to build construct or complete railroads, &c.

2. *And be it enacted*, That the said corporation is hereby authorized as a corporation to contract with those having the power or franchise to build, construct, enlarge or complete, in whole or in part, railroads or other works of improvement, and to receive in payment therefor, cash or bonds, or shares of railroad companies or other corporations, and securities issued by any government, state, county, town or other corporation, municipal or otherwise, and to become an agency for the sale and purchase of the securities so received in payment, and to make advances of money and credit to railroad companies and other improvement companies, and to contractors, and for the purposes of their said business to lease, purchase, hold, convey, mortgage and exchange, real or personal property.

Powers.

3. *And be it enacted*, That the said corporation is authorized to act as trustee of mortgages or trust deeds, executed by corporations or individuals, to secure bonds or other obligations, and shall exercise and enjoy all the powers incident thereto and shall also have power to act as transfer agents of incorporated or unincorporated companies for the transfer or register of shares, bonds and other securities, and for the payment of dividends and interest; nothing herein contained shall be construed as giving banking privileges.

Banking privileges denied.

Capital stock.

4. *And be it enacted*, That the capital stock of said company shall be one million dollars, divided in shares of one hundred dollars each, but when two hundred thousand dollars shall be subscribed, and ten per centum thereof shall have been paid in, the said company may organize and proceed to business; the capital stock may from time to time be increased to an aggregate amount not exceeding three million dollars, but no increase shall be made without in

each case the consent in writing of two-thirds in amount at the time, of the stockholders, and such increase shall be made in conformity to law.

Commissioners to open books and receive subscriptions.

5. *And be it enacted*, That James F. Fielder, Charles J. Pusey and Willard Derby, shall be and they are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and place as they or a majority of them shall deem proper, notice of which shall be published in one daily paper in Jersey City, for ten days, and their certificate signed and acknowledged, and filed in the office of the clerk of the county of Hudson, that two thousand shares have been subscribed for, and ten per centum thereon, twenty thousand dollars, have been paid in cash, shall be evidence of the authority to commence business.

Powers to be exercised by trustees.

6. *And be it enacted*, That the corporate powers of the said company shall be exercised by nine trustees, each of whom shall be a holder of at least one hundred shares of the capital stock, and a majority of them shall be a quorum at meetings of the board, and capable of transacting business; the persons named in the first section of this act shall be the first trustees, one of whom shall be elected president of said company, and shall hold his office until the next annual election, and until his successor shall be chosen; the

Trustees to divide themselves into classes.

trustees shall at their first meeting divide themselves by lot into three classes of three each, the term of the first class shall expire at the end of one year from the first Tuesday of March, one thousand eight hundred and seventy-one; the term of the second class shall expire at the end of two years from that day; the term of the third class shall expire at the end of three years from that day; each class shall hold their offices until others are elected in their stead; an election for one-third of the entire number of the trustees, who shall hold their offices for three years, or until others

Annual election.

are elected in their stead, shall be held the first Tuesday of March, one thousand eight hundred and seventy-two, and annually on that day thereafter; ten days' previous notice of the time and place of holding every election shall be given by the board of trustees, in two public newspapers printed in Jersey City; the election of trustees shall be conducted by three inspectors, who shall be stockholders but not trustees, and shall be appointed by the trustees at their meeting next preceding such election; vacancies occurring in the

New Jersey State Library

Vacancies, how filled.

intervals between the elections may be filled by the board of trustees; if an election of trustees shall not be made on the day appointed in this charter, it shall be lawful to hold an election at any time within ninety days thereafter, ten days' previous notice thereof being given in two public newspapers printed in Jersey City.

Election of officers.

7. *And be it enacted*, That the trustees immediately after every annual election shall choose from their body a president, who shall serve for one year, or until his successor shall be chosen, and alsc a vice president, who shall act in case of the death, resignation, absence or inability to serve of the president; they shall fill vacancies in either office from among the remaining trustees or otherwise; the trustees shall also appoint a secretary and treasurer, and may appoint such engineers, counsel, agents, clerks and servants as may be necessary to carry on the business of the company.

May establish agencies.

8. *And be it enacted*, That the principal offices of the said company shall be in the city of Jersey City, but the trustees under such rules and regulations as they may prescribe, may establish branches and agencies elsewhere in the State of New Jersey, or in any other State in the United States, or in foreign countries.

Stockholders liable to creditors of corporation.

9. *And be it enacted*, That each stockholder of said company shall be individually liable to the creditors of said company to an amount equal to the amount unpaid on any stock subscribed for or held by him, for all debts and liabilities of the company, but shall not be liable to an action therefor before an execution shall be returned not satisfied in whole or in part against the corporation.

General powers.

10. *And be it enacted*, That the corporation hereby created shall be subject to the liabilities contained in "An Act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

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

Approved March 28, 1871.

CHAPTER CCCLXVI.

An Act to incorporate the Paterson Locomotive and Machine Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Smith, Philip Rafferty, John Hopper, James H. Rutter and Joseph W. Guppy, and the survivors of them, and such other persons as may hereafter be associated with them, be and are hereby created a body corporate, in fact and in law, by and under the name of "The Paterson Locomotive and Machine Works," for the purpose and with the power and authority of carrying on, in the county of Passaic, in this State, the business of manufacturing locomotives, boilers, steam engines, cars, machinery and all other articles of which iron, brass or copper shall form a component part; and by the said name shall have continued succession, and may purchase, lease, hold, mortgage and convey any real estate and personal property necessary or proper for the purposes of the corporation hereby created; that the said corporation shall have its principal office in the said county of Passaic, and may also have an office in the city of New York for the transaction of business.

Corporators.

Corporate name and powers.

2. *And be it enacted*, That the capital stock of the said corporation or company shall be three hundred thousand dollars, divided into shares of one hundred dollars each, with power to increase the same from time to time as the directors may elect, to any sum not exceeding five hundred thousand dollars; that the persons named in the first section of this act, may open books of subscription, and take and receive subscriptions to such capital stock, at such time or times, and in such manner, and to such extent not exceeding the amount herein authorized, as they shall deem proper; the persons before named and the directors of said company, may receive in payment of subscriptions for stock, any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such

Capital stock.

May open books and receive subscriptions.

valuation as a majority of them shall approve; and whenever the said capital stock shall be paid to the extent called for, the said company may commence business.

Directors, how elected and their powers.

3. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of not less than five nor more than seven directors, being stockholders, one of whom shall be president, to be appointed by said directors; and the directors, after the first election hereinafter fixed, shall hold their office for one year, and until others shall be elected in their stead; the directors shall be chosen annually, on the third Monday in January, or on such other day, and at such place in the county of Passaic, as the directors shall by their by-laws or otherwise from time to time appoint; public notice for at least ten days previous of the time and place being given in a newspaper published in the city of Paterson, by such of the stockholders as shall attend for such purpose, either in person or by proxy, each share of stock being entitled to one vote; and the directors may appoint such officers, superintendents and agents, and assign such compensation as a majority of the directors shall think fit; if any vacancy, by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said Samuel Smith, Philip Rafferty, John Hopper, James H. Rutter and Joseph W. Guppy, shall be the first directors of said company, and shall serve as such until others are legally chosen.

Failure to pay instalments to work a forfeiture.

4. *And be it enacted*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to said capital stock, the amount subscribed by them, at such times and in such proportions as they shall deem proper; and if default be made in payment of such subscriptions as the same shall be called in, for thirty days after demand thereof, by service of notice upon the subscribers requiring such payment, or by publication thereof in one or more of the newspapers of the city of Paterson, the directors may also forfeit the shares so in default, and all previous payments made thereon.

Not dissolved by failure to elect directors.

5. *And be it enacted*, That in case an election for directors shall not be held on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on

such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

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

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

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

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

Approved March 28, 1871,

CHAPTER CCCLXVII.

A Supplement to the act approved March seventeenth, one thousand eight hundred and seventy, which is entitled "An act to incorporate the Hudson County Elevating Company."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That so much of the third or any other section of said act as constitutes the commissioners therein mentioned the board of directors of said company, and invests them with all or any of the powers of a board of directors, for the first three years after the organization of the company, and directs that no election for directors shall take place until after the expiration of said time, be and the same is hereby repealed.

Election of directors and their powers.

2. *And be it enacted*, That the election for directors shall take place as soon as conveniently may be done after a majority of the stock is subscribed, and may be had under the order and direction of the holders of a majority of the stock so subscribed, who are hereby invested for the purpose of said election, with all the powers in said act given to said commissioners, and that upon the election of the first board of directors all the powers and authorities or franchises given to the commissioners in and by said act shall cease, and every power, authority or franchise on them conferred, or which they are authorized to exercise, shall be exercisable by the said board of directors and their successors.

Compensation to be made to owners before lands are taken.

3. *And be it enacted*, That nothing in said act shall be construed to authorize said company to take any lands against the consent of the owner, without first making compensation to such owner, but such compensation shall be made before said lands are taken, unless such owner refuses to receive the value found by the appraisers, or is incapable by reason of infancy, coverture, lunacy or other disability of accepting the same, in which cases payment into the supreme court shall be taken and esteemed as payment to such owner, and that upon such compensation being paid to an

owner who does not refuse to accept said value so found, or its being deposited in said court in case such owner does refuse, or is under any disability as aforesaid, the title of said company to said lands shall be complete in the same manner it would have been if the same had been conveyed to said company in fee simple by an owner thereof under no disability, and that the description of said land presented to said judge, the order appointing said appraisers and their valuation, shall be filed in the clerk's office of Hudson county, and recorded in the book of deeds thereof, and the same or a duly certified copy thereof shall be plenary evidence of the title of said company to said land so described, payment thereof in manner aforesaid being proved to be made.

Title to lands vested.

4. *And be it enacted*, That the said company may demand and receive for the services and works which they are hereby authorized to perform, and for any other services or works which they may perform, such compensation by way of toll or charge as shall be fixed by the board of directors from time to time, and in case no sum shall be fixed, then such sum as is reasonable, and shall be demanded, at, before or after the performance thereof.

Directors to fix tolls or charges.

5. *And be it enacted*, That said company may, from time to time, lease to any other corporation of this State, all or any part of the said powers, authorities and franchises hereby or by said original act given, including the right to purchase or take lands for and to build said elevators, and whether such powers, authorities or franchises relate to acts to be done or exercised before or after the acquisition of said lands, or the building of said elevators, including the right to demand and receive the compensation aforesaid, (which in case of said lease may be fixed by the board of directors of the lessee,) and all or any part of its lands or elevators, or both, and such other corporation, is hereby authorized to accept such lease, and thereupon in its own name and by its own board of directors, exercise all the powers, authorities and franchises so leased to it.

Corporation may lease all their rights, &c.

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

Approved March 28, 1871.

CHAPTER CCCLXVIII.

An Act to incorporate the Elizabeth and Kennebec Ice Company.

Corporators.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amos Clark, Jr., Eli A. Young, Edward G. Brown, Ferdinand Blancke, John A. Wilson, and such other persons as may hereafter be associated with them, and their successors, shall be and they are hereby constituted a body politic and corporate, in fact and

Corporate name.

in law, by the name of "The Elizabeth and Kennebec Ice Company," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto in all the courts of law and equity in this State.

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with the privilege to increase it at any time to a sum not exceeding one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and the capital stock shall be considered as personal property, and shall be transferable on the books of the corporation in such manner as may be prescribed in the by-laws of said corporation; and the stock and transfer books, as well as the books of account of the said corporation, shall be open at all times, but at reasonable hours, to the inspection of the stockholders.

Objects and powers.

3. *And be it enacted*, That the objects, business and purposes of the said corporation hereby created, shall be the gathering, procuring, preserving, storing, purchasing, buying, selling, transporting and vending ice as an article of merchandise, and for that purpose they and their successors are hereby invested with full power and authority to build, erect, keep and maintain all necessary storehouses, warehouses, sheds, buildings, boats, floats, and to possess horses, mules, oxen, wagons, carts, cars, vehicles, and to do any and all things which they may deem proper or requisite in the carrying on or management of their said business.

4. *And be it enacted*, That the management of the con-

concerns of said corporation shall be vested in seven directors, all of whom shall be stockholders; and the persons named in the first section of this act shall be the first directors, and shall hold their offices for one year, and until others are elected in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws of said corporation may appoint, an election for directors shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own; and if a vacancy shall occur in such board of directors; by death, resignation or otherwise, the remaining directors may fill such vacancy by the appointment of any stockholder; and that a majority of the said board of directors shall form a quorum for the transaction of business. Directors, how elected. Vacancies, how filled.

5. *And be it enacted*, That said corporation hereby created shall, from time to time, have power and authority to make, ordain and establish such constitution and by-laws and regulations as they, or a majority of them, shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of the said corporation hereby created, and the election of the same, for prescribing their several functions and their compensation, and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of said corporation; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this State or of the United States. May adopt by-laws, &c. Proviso.

6. *And be it enacted*, That the said corporation hereby created shall have power and authority, from time to time and at all times, to acquire, purchase or lease, and use, hold, possess and enjoy such real estate and such personal estate in this State, and in the State of Maine, as they shall deem necessary for the purposes of said company, and the same, or any part of such real or personal estate to sell, mortgage, lease or otherwise dispose of at pleasure; and also, with power and authority to make, build, construct and maintain, on the real estate so held by them, such buildings, roads and other improvements as they may deem proper and necessary for the better carrying into effect the objects and provisions contemplated by the provisions of this act. May purchase, hold and lease real estate.

7. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as Dividends.

they may deem prudent and proper from time to time, out of the net profits of the said business, and pay the same to the stockholders of said company, or to their legal representatives, in proportion to the number of shares held by them respectively.

Common seal.

8. *And be it enacted*, That said company may use a common seal of such design as their by-laws may prescribe.

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall wilfully or maliciously break, cut, destroy, injure or damage any boat, float, vessel, store or warehouse or other appendage, or any real or personal property used or employed by said corporation in the transaction of its business, or wilfully or maliciously obstruct, hinder or delay any of the officers, agents, servants or managers of the said company in the legitimate transaction of their business, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor in the state prison for two years, or both; *provided however*, that no such criminal prosecution shall take away or in any way impair the right of the said company to an action of damages by a civil suit.

Proviso.

Office.

10. *And be it enacted*, That said company's principal office shall be at Elizabeth, New Jersey, and that this act shall take effect immediately.

Approved March 28, 1871.

CHAPTER CCCLXIX.

An Act to incorporate the Co-operative Savings and Loan Association of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Brakely, William Steele, James Tantum, David Shipps, Jacob Meseroll and such other persons as may be associated with them and their successors, are hereby constituted a body corporate, under the name of "The Co-operative Savings and Loan Association,"

and by that name shall have perpetual succession, and may sue and be sued in any court in this State, and may also purchase, hold, and convey such real estate as may be necessary for the convenient transaction of the business thereof, and to carry out the objects for which said corporation is formed; said objects and intentions being to encourage habits of economy and thrift in the industrial classes of both sexes, by uniting them in an association which shall supply homes for their use and accommodation, by making suitable provision for the care and custody, and returning suitable compensation for the use of such moneys belonging to its members and others, as may be occasionally or periodically contributed thereto, receiving, receipting for, and investing the same, when so desired, in houses, lands and other property, for their use, on such security, terms of payment and rates of interest as may be mutually agreed upon, and loaning said moneys so contributed, unto the members thereof, and others, at the legal rates of interest; to provide for the safe keeping and prompt return, on terms to be agreed upon, of any stocks, bonds, notes or other valuables or evidences of value which the members of said association and others may deposit; to furnish such guarantees for the safe custody and prompt return thereof as may be necessary, and in case of loss on the part of said corporation, its members or others, of any personal property, by theft or otherwise, to adopt such detective or other measures as may be requisite for the recovery thereof; to carry out which objects, purposes and intentions, the necessary power is hereby given. Objects.

2. *And be it enacted*, That the office and records of said corporation may be kept in the city of Bordentown, in the county of Burlington, in the State of New Jersey, and the government thereof shall be vested in a board of five directors; the persons named in the first section hereof shall constitute said board, and shall serve until their successors are elected, and may fill any vacancies which may occur in their number during said term; they shall select one of their number to act as president of said corporation, and may establish such offices and elect and appoint such officers, agents and employees as they may deem necessary for conducting the business of said corporation, and may define the duties and fix the compensation of all such officers, agents and employees; the said board of directors shall have power to add to their number from time to time, and to Directors, election and their powers.

adopt such by-laws and regulations for the government of said corporation as may be necessary, which by-laws shall fix and determine the time and manner of the election, as well as the term of office of the directors and other principal officers of said corporation; it shall furthermore be the duty of said board of directors to cause to be executed by each and every officer, agent or employee of said corporation to whom may be entrusted the care and custody of any moneys or other valuable property belonging to said corporation, or any member thereof, or depositor therein, a good and sufficient bond conditioned upon the faithful fulfillment of the trust imposed upon him by said corporation.

Deposits by married women or minors to be their exclusive property.

3. *And be it enacted*, That all contributions or deposits which may be made by any married woman or minor, as herein specified, shall be taken to be the exclusive property of the person making such contribution or deposit, and shall be subject to withdrawal only by such contributor or depositor in person, or by a duly authorized representative.

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

Approved March 28, 1871.

CHAPTER CCCLXX.

An Act to incorporate the Perrineville and Sweetman's Lane Turnpike Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezekiel J. Chamberlin, George M. Davison, Thomas J. Thomason, John J. Pittenger and William Hammond, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of

Corporate name.

"The Perrineville and Sweetman's Lane Turnpike Company."

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be two thousand five hundred dollars, with authority in the said company to increase the same to any

amount not exceeding four thousand dollars, which stock shall be divided into shares of fifty dollars each, and shall be deemed personal estate, and 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 persons named in the first section of this act, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation, and are authorized at such time or times and places in the county of Monmouth, as they shall appoint, giving at least twenty days' notice thereof in a public newspaper printed and published in said county, and a majority of said commissioners being in attendance, to open books for the reception of such subscription, and at the time of subscribing, five dollars on each share of said stock shall be paid to said commissioners, and the residue shall be paid as is hereinafter directed.

Directors, how elected, &c.

4. *And be it enacted*, That whenever twenty shares of said stock shall be subscribed, and one hundred dollars paid as hereinbefore directed, the said commissioners, or a majority of them, shall give notice as above directed for a meeting of the stockholders for the purpose of electing directors, and organizing said company, of which election the said commissioners, or a majority of them, shall be the judges, and the said stockholders when so met, shall elect, by ballot, from among their number, five directors, who shall be citizens of the State, and shall hold their offices one year, and until others ore elected, and each stockholder at such election, and all other elections, shall have one vote for each share of stock owned by him at the time of such election, and may vote by proxy, duly authorized at any election.

Failure to pay instalments to work a forfeiture

5. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, and have power to call in the remainder of said capital stock by such instalments, and at such times and places as the board of directors of said company shall from time to time direct, giving thirty days' notice thereof in a Monmouth county newspaper, and any stockholder neglecting or refusing to pay such instalment for ten days after the same is due, shall forfeit his stock and all payments thereon.

Commissioners to deliver books, &c., to directors.

6. *And be it enacted*, That when said board of directors are elected, said commissioners shall deliver to them, or such person or persons as they shall appoint, all books and papers belonging to said corporation, and all moneys received

by them on subscriptions to capital stock, deducting expenses incurred for books, printing and necessary expenditures, and two dollars for each day they have been employed in the duties pertaining to their appointment, and said directors and their successors shall annually thereafter cause an election for directors to be held, at a time and place to be specified in the by-laws of said corporation; but said corporation shall not be dissolved by reason of a failure to elect officers on any prescribed day, and the incumbents shall hold over until their successors are appointed, which may be done at any other time.

Failure to elect directors not to dissolve.

Election of president and other officers.

7. *And be it enacted*, That said directors shall elect from their own body, or from the stockholders, a president, who shall reside in Monmouth county, a secretary and a treasurer, who shall hold their offices one year, and also such subordinate officers and agents as the business of said corporation may require, fix the compensation of all officers and agents, and make by-laws for the government of said corporation not inconsistent with the laws of the United States, or of the State of New Jersey.

May construct turnpike road.

8. *And be it enacted*, That the said president and directors are hereby invested with all the rights and powers necessary or expedient to survey, lay out, and construct a turnpike road, to commence at or near the village of Perrineville, in the township of Millstone, in the county of Monmouth, and extend to Sweetman's lane, in the township of Millstone, in the said county, which shall be at least thirty-two feet, and not more than sixty feet in width, sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road at all seasons of the year, and at least twelve feet six inches thereof in width, so graded as not to rise above an angle of ten degrees with the plane of the horizon; and said company shall construct and keep in good repair, good and sufficient bridges on the line of said road, not less than twenty feet in width; and whenever said road is or shall be raised, so much at the margin thereof as to render carriages passing thereon liable to overset, said company shall cause sufficient railings to be erected and maintained on the side to prevent horses and carriages from running off.

9. *And be it enacted*, That it shall be lawful for said com-

pany to locate and construct the said turnpike road along or upon any of the public highways, between the commencement and termination thereof, and in those places where the said public highways are not straight, then in those places the said company shall have power to construct the said turnpike road where they may deem proper, in order to make the said turnpike road straight; *provided*, by due proof to the satisfaction of the inferior court of common pleas of the county of Monmouth, on application on behalf of said company, it be shown that a majority of the landowners adjoining any of said highways in said township, have, by their signatures, approved the same; and when such proof is so produced, the said court shall cause an adjudication thereof to be entered in the minutes of the court.

May construct turnpike road upon public highways.

Proviso.

10. *And be it enacted*, That when such adjudication shall be made and entered, it shall be lawful for said company, by its officers, agents and employees to enter upon, take possession of, hold, use, occupy and excavate said highways, within such township where said landowners have so approved the same, and to erect embankments and bridges, and do all other things necessary or expedient to carry into effect the objects of this act; also to open to a width of not exceeding sixty feet, any of said highways, in cases where such public highways are of less width than sixty feet, compensating the owner or owners for the land taken to supply the deficiency; or if the company and the owner cannot agree, proceeding according to the provisions of the twelfth section of this act.

May enter upon, use, &c., highways.

11. *And be it enacted*, That it shall be lawful for said president and directors, the officers and employees, to enter at any time upon any lands or waters, for the purpose of exploring, surveying, leveling and laying out the route of said turnpike road, doing no unnecessary damage to private property, and when the route of said turnpike road, or any one mile thereof shall have been determined upon, and a survey thereof filed in the office of the clerk of the county of Monmouth, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, to erect embankments and bridges thereon, and to do all things necessary or expedient to carry into effect the object of this act; also to search for and take sand, gravel, clay, stone and such other material for the construction and use of said road; *provided always*, that the said corporation shall pay, or tender pay-

May enter on lands, &c.

Proviso.

ment for all damage for the occupancy and right of way over such lands, and for all sand, gravel, clay, stone and other material to be taken, before entering or breaking ground in the premises, except for the purpose of surveying said route, unless consent in writing of the owner of said lands be first obtained.

Proceedings when company and owners of land cannot agree.

12. *And be it enacted*, That if any of the owners of such required lands or materials, not being part of such public highways, cannot agree with said company as to the amount of compensation to be paid for such materials, or the right of way over such lands, or where by reason of the legal incapacity or absence of such owner or owners such agreement cannot be made, a particular description of such required land or materials shall be given in writing, under oath or affirmation by some proper agent of the company, and also the name or names of the occupants, if any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause said company to give notice thereof to the persons interested, if known and resident in this State, and if unknown or out of this State, to make publication thereof as he shall direct, for any term not less than twenty days, assigning a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon evidence satisfactory to him of the service or publication of such notice aforesaid, and after hearing the parties, if they desire, he shall appoint, under his hand and seal, three disinterested freeholders of the county of Monmouth, commissioners to examine and appraise said materials, or the right of way over said lands, and determine the amount of compensation to be paid for the same; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some competent officer, faithfully and impartially to examine the matters in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to examine lands or materials, and equitably and justly to appraise the said materials, or the right of way over said lands, and to fix the compensation to be paid for the same; and said commissioners, or any two of them that shall make a report in writing, under their hands, of the amount of such appraisement and compensation to be paid, which

report, and the said description of lands and materials, the said appraisement and oath of commissioners, shall, within ten days thereafter, be filed in the office of the clerk of the county of Monmouth, to remain of record therein; and the said report, or a certified copy thereof, shall be plenary evidence of the right of said company to have, hold, use, occupy and possess the said materials, and the right of way over the said lands, and of the right of said owners to recover the amount of such appraisement from said company in an action of debt, with costs of suit, if the same remain unpaid twenty days after demand made; and until such amount be paid, it shall constitute a lien upon the property of the said company in the nature of a judgment, and the said justice of the supreme court shall tax the costs, fees and expenses of this proceeding to be paid as he shall think just; and in case of the legal incapacity of such owner or owners, the amount of such appraisement shall be paid to the clerk of the court of chancery for the use of such owner or owners, subject to the order of said court.

Proceedings in case of appeal.

13. *And be it enacted*, That either party may appeal from the decision of such commissioners to the circuit court of the county of Monmouth, at the next term thereof after such decision, by proceeding in the form of petition to said court, with five days' notice to the opposite party of such appeal, which court shall have full power and jurisdiction, by the verdict of a jury, if desired by either party, to hear and finally determine the same, and if the amount of such appraisement be increased, the said company shall pay the costs of said appeal, and if the same be decreased, the said owner or owners shall pay said costs, and if need, judgment may be entered in the minutes of said court for the amount of such verdicts, and for the costs of either of them.

May erect gates and demand and receive toll.

14. *And be it enacted*, That whenever one mile of said turnpike road shall be completed, the said company may erect gates and turnpikes across the same, and demand and receive for each mile of said completed road traveled, toll at not more than the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled drawn by one beast,	two cents;
For every additional beast,	two cents;
For every horse and rider, led horse or mule,	two cents;
For every dozen cattle or horses, mules, calves, sheep or hogs, and so in proportion for a greater or less number,	ten cents;

and it shall be lawful for any toll-gatherers of said company to stop any vehicle, or beast or beasts, from passing through any of said gates or turnpikes until toll, as above specified, has been paid for them.

Shall cause mile stones to be erected, and rates of toll posted.

15. *And be it enacted*, That before the said company shall demand or receive toll, they shall cause a mile stone or post, for each mile of said road, to be erected and maintained on the side thereof, and on each stone or post shall be fairly and legibly marked on one side the distance from Perrineville, and on the other the distance from Sweetman's Lane, and shall cause to be affixed, and always kept at said gates, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalty for injuries or avoidance of toll.

16. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of said mile stones or posts, or wilfully cut, break down, destroy or deface, or otherwise injure any toll-gate, turnpike or bridge belonging to said road, or shall forcibly pass any of the gates or turnpikes without having paid the legal toll, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages to be recovered by action of debt, or other prosecution and costs of suit by the said company for their use; and if any person shall, with his team, carriage or horse turn out of said road to pass a gate or turnpike with intent to avoid the toll due, he shall forfeit and pay ten dollars, to be recovered by said company to their use in an action of debt with cost of suit.

Drivers to keep to the right.

17. *And be it enacted*, That all persons using said road shall keep their horses, carriage, sleighs or sleds of burthen or pleasure on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for the carriages or persons on horseback to pass; and if any person or persons shall offend against this provision, such person or persons shall, besides being liable for all damages, forfeit and pay to any person or persons injured or obstructed in his passage, five dollars, to be recovered by such person in an an action of debt with costs of suit.

Highways taken for turnpike road shall cease to be a public highway.

18. *And be it enacted*, That all such parts of any public highway as shall be taken for said turnpike road by virtue of this act, shall cease to be a public road or highway so long as the same shall be used for said turnpike road.

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

Approved March 28, 1871.

CHAPTER CCCLXXI.

A Supplement to the act entitled "An act to incorporate the Irvington and South Orange Horse Car Railway Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company, with the consent in writing of the holders of two-thirds of its stock, shall have power to increase its capital stock to an amount not exceeding the cost of said railway and appurtenances. May increase capital stock.

2. *And be it enacted*, That the nineteenth section of the act incorporating said company which limits the time for the completion of said railroad, is hereby repealed, and if said railroad is not completed within five years from the fourth day of July next ensuing, the charter of said company shall be void as to all parts of the railroad not then constructed. Repealer. Limitation.

3. *And be it enacted*, That in the supplement to the charter of said company, approved March seventeenth, one thousand eight hundred and seventy, the words "dummy engine" are hereby stricken out, and the words "horse power" inserted in their stead. Amendment.

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

Approved March 28, 1871.

CHAPTER CCCLXXII.

An Act to incorporate the Warren Marble Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin M. Kline, Levi H. Seiss, D. H. Schweyer, Elisha Allis, W. S. Johnson, Moses N. Applegett, William Johnston and William Weiser, Corporators.

and their successors and assigns, be and they are hereby created a body politic and corporate in law, by the name of

Corporate name.

the "Warren Marble Company," for the purpose of quarrying, manufacturing and dealing in stone, marble and lime in all their branches, and carrying on the business incident to such manufacture and dealing, in the counties of Warren and Sussex, and for that purpose may purchase and hold lands, erect such mills and other works, as may be required to carry on such business, and may mortgage, sell, convey, or otherwise dispose of the same; *provided*, that the principal office for the conduct of such business shall be in the county of Warren.

Proviso.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be sixty-four thousand dollars, with power to increase the same to any amount not exceeding one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Directors, how elected, &c.

3. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than five directors, who shall be stockholders, and one of whom shall be president; such directors shall hold their office for one year, and until others are elected in their stead; the election of officers shall be at such time and place as the by-laws may direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for each share of stock by them respectively owned; and until such election be held, the five corporators first herein named shall be the directors of said corporation.

Property may be received in payment of stock.

4. *And be it enacted*, That any buildings, land, machinery or other property used in manufacturing and carrying on said business may be received in payment for subscriptions to capital stock, at a valuation agreed upon by a majority of the board of directors, and a majority of the stockholders.

Power of directors.

5. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transaction of the business of said corporation, and shall have power to ordain, establish and put in execution such by-laws and regulations as shall seem necessary and convenient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation.

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

created, shall continue in force for fifty years, and shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning Corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable, and that this act shall take effect immediately. General powers and limitation.

Approved March 28, 1871.

CHAPTER CCCLXXIII.

A Further Supplement to an act entitled "An act to incorporate the Paterson and Newark Railroad Company," approved March seventh, one thousand eight hundred and sixty-four.

WHEREAS, under the act incorporating the Paterson and Newark Railroad Company, and the supplements thereto, the railroad, believed by said company to be authorized by said act, and the supplements thereto, has been built and is now in operation; but the correctness and legality of the route or location, adopted by said railroad company, has been questioned; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the route or location filed by said company in the office of the secretary of state, August twenty-second, one thousand eight hundred and sixty-seven, and upon which the said railroad has been constructed by said company, between the cities of Paterson and Newark, be and the same are hereby declared to be a lawful route or location; and said company may acquire any land, upon which said road is now constructed, or which may be necessary for its purposes, in, upon or along said route and location, and fifty feet on each side of the located centre line of said route or location, except as hereinafter mentioned, and may maintain, use and operate the railroad now built, and that may be hereafter built, under this act or any other act relating to the Paterson and Newark Railroad Company; and for the purpose of maintaining the railroad Route filed declared the lawful route. May acquire land.

Powers.

now constructed, and for the purpose of constructing a single or double track railroad along said route or location; the Paterson and Newark Railroad Company shall and may exercise all the powers and franchises granted to said company in the act entitled "An act to incorporate The Paterson and Newark Railroad Company," and the several supplements thereto; *provided however*, that from a point in continuation of the northerly line of lands of the Mount Pleasant Cemetery Company, to the northerly line of lands now of James S. Taylor, fifty feet of land is authorized to be taken and acquired by the said railroad company shall be located easterly of and adjoining the centre line of the track now laid; *provided also*, that nothing herein contained shall prevent said company from holding or using a greater width of land upon agreement with or purchase from the owners of said land.

Proviso.

Proviso.

Lands of the State or shore owners not to be used without compensation, &c.

2. *And be it enacted*, That nothing herein contained shall be construed to authorize the said company to take, use or hold any lands formerly lands of the State under water, the title to which vested in any private person or corporation before the passage of this act, or to which they are entitled as shoreowners, without condemnation or compensation made as directed in the act to which this is a supplement, but the lands of the State under water now used by said company may continue to be used as heretofore, without claim from the State; and nothing in this act shall impair or affect the rights of either the said cemetery company or the railroad company, under the agreement between them, dated October 12, 1866.

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

Approved March 28, 1871.

CHAPTER CCCLXXIV.

A Supplement to an act entitled "An act to incorporate the Bloomfield Trust Company," approved April first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of the company incorporated by the act to which this is a supplement, shall consist of such persons as a majority in interest of the stockholders may determine, and so much of the first section of the supplement, approved February twenty-third, one thousand eight hundred and seventy, as is inconsistent herewith, be and the same is hereby repealed. Trustees. Repealer.

2. *And be it enacted*, That the second section of said supplement shall be amended by striking out the word "seven," near the beginning of the section, and the words "seven trustees," occurring together near the middle of said section, and substituting therefor in both instances the following words, viz: "one third of the whole number of trustees," and that the third section of said supplement be amended by striking out the word "seven." Amendments.

3. *And be it enacted*, That section eight of said supplement be amended by repealing and striking out all that part thereof which follows the word "legislature." Amendments.

4. *And be it enacted*, That it shall be lawful for the said company to advance or loan their money and credit on pledge of merchandise, stocks, notes and bonds, and also to aid by loans, contractors and manufacturers; to receive the notes, bonds, obligations and accounts of States and of individuals, companies and corporations, and the same to purchase, collect, adjust and settle, and also to sell and dispose thereof for such prices and upon such such terms as may be agreed upon between them and the parties contracting with them, and for all such business transactions the said company shall be entitled to receive such commissions as may be agreed on or established by the board of trustees. May loan money on pledges, &c.

5. *And be it enacted*, That it shall be lawful for said com-

pany in addition to their principal office in this State, to
May establish an office or agency. establish an office or agency in the city of New York, and in the transaction of their business to execute all neeessary receipts, obligations and certificates signed by such officer or officers of the company as shall be designated by the by-laws for that purpose.

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

Approved March 28, 1871.

CHAPTER CCCLXXV.

A Further Supplement to an act entitled "An act to incorporate the Mount Holly and Moorestown Turnpike Company."

Preamble. WHEREAS, by an act of the Legislature of the State of New Jersey, passed the twenty-fifth day of March, one thousand eight hundred and fifty-two, the said turnpike company was authorized to construct a turnpike road from the westerly end of the town of Mount Holly to the eastwardly end of the village of Moorestown, in the county of Burlington, on and along then a public highway; AND WHEREAS, a certain part of said turnpike road has since been lawfully surrendered and abandoned, and the said company by reason of the continued increased expenses required to keep said road in repair, and the diminished receipts from its tolls, greatly by reason of the better accommodations given its trade and travel, by a certain railroad lately located parallel and in near proximity therewith, are and have been unable to maintain and keep in lawful repair all the said road from its present revenue, even without paying dividends on its capital; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said turnpike company
May yield up and surrender part of turnpike road. is hereby authorized to yield up and surrender, in writing, under the hand of its president and corporate seal, all that part of said turnpike road lying and being between the

town of Mount Holly aforesaid and the village of Masonville, and that the said abandoned part of said turnpike road shall thence be deemed and taken to be a lawful public road, and shall be kept in repair in the same manner, by the same means, and shall be subject to the same laws and regulations as other public roads are in the respective townships in which the same are located.

Liability to keep and repair part of road to cease.

2. *And be it enacted*, That upon filing the said written surrender in the clerk's office of the county of Burlington, to be there recorded, all liability of said company to keep, amend and repair the part of said road so surrendered, with the bridges and culverts pertaining to the same, shall cease and forever determine.

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

Approved March 29, 1871.

CHAPTER CCCLXXVI.

An Act to incorporate The Germania Savings Bank, of Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Lieanau, Francis O. Matthiessen, John Van Vorst, Adolph Kirsten, John J. Bundschuh, George Kriener, John McFadden, John Leitz, Jacob Ringle, Augustus Ingwersen, Louis A. Lienau, John S. Fox, James S. Noyes, James L. Ogden, Alexander H. Wallis, George Beck, Adam J. Dittmar, Frederich W. Schumann, John Slipper, Emile Steger, Henry Knoop, and associates and their successors shall be, and they are hereby constituted a body corporate and politic by the name of "The Germania Savings Bank of Jersey City," and by that name shall have perpetual succession, and may sue and be sued in any courts of this State.

Corporate name.

May purchase, hold and convey real estate.

2. *And be it enacted*, That the real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be: first, such as may be requisite for its accom-

modation for the convenient transaction of its business; second, such as shall have been mortgaged to it in good faith for money loaned, in pursuance of the provisions of this act; third, such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold, or convey real estate in any other case or for any other purpose; and all such real estate as is described in the second and third sub-divisions of this section, shall be sold by the said corporation when a purchaser shall be found, who will pay for the same such sum as in the judgment of the trustees of said corporation shall be its fair market value; and the said corporation shall not directly or indirectly deal or trade in any goods, wares or merchandise whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Office.

3. *And be it enacted*, That the office or place of business of the said corporation shall be in the city of Jersey City, and that the books of the said corporation shall be at all times open for inspection and examination to such person or persons as the Legislature may from time to time delegate for that purpose.

No compensation to trustees.

4. *And be it enacted*, That the trustees of said corporation shall not directly or indirectly receive any pay or emolument for their services.

Business to be managed by trustees.

5. *And be it enacted*, That the business of said corporation shall be managed and directed by a board of twenty-one trustees, who shall elect from their number a president, two vice presidents and such other officers as they may see fit; seven of said trustees, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business, and the affirmative votes of at least seven members of the board shall be requisite to make any order for, or to give authority to make any investment of moneys, or to sell and transfer any stock or securities belonging to the corporation, or for the appointment of any officer receiving a salary therefrom.

Election of trustees.

6. *And be it enacted*, That the persons named in the first section of this act shall constitute the first board of trustees of said corporation, and all vacancies by death, resignation, or otherwise, in the office of trustee, shall be

filled by the board, by ballot, without unnecessary delay, at any regular meeting, upon notice given at the next preceding regular meeting of said board, and at least nine affirmative votes shall be necessary for the election of any trustee; the said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meeting of the board for six consecutive months, may thereupon, at the option of said board, be considered as having vacated his place, and a successor may be elected to fill his place; the chancellor may at any time, for due cause, remove any trustee, on proper notice to him, and affording him an opportunity to be heard in his defence.

Object.

7. *And be it enacted*, That the general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered, and to invest the same in the securities or stocks of this State, or of the United States, or in such other manner as is authorized by this act for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as possible, be invested accordingly, and shall be repaid to such depositors when required, at such times, with such interest, not exceeding seven per centum, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted, and shall be printed in the bank book of each depositor; but shall not be altered so as to affect any deposit previously made; and the said corporation may also accept and execute all trusts of every description, and may take, receive, manage and dispose of all moneys and other property of every description that may be committed and confided, or given to the said corporation by or in pursuance of any trust or last will and testament, or by the order or decree of any court or judicial officers, or otherwise, in such manner as shall be directed and provided for in and by the said trust, last will and testament, order or decree; no pres-

ident, vice president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees; all certificates or other evidence of deposit made by the proper officers of such corporation, shall be as binding on such corporation as if they were made under its common seal; it shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors; no money deposited with the said corporation shall be invested except in the securities or stocks mentioned in this section, but the money may be loaned by it on unincumbered and improved real estate within the county of Hudson, or the counties adjoining thereto, worth at least double the amount secured thereby; in all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stock of this State, or of the United States, or in stocks of any city or county in this State issued in pursuance of law, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund, not exceeding one-third of the whole amount of such deposits, which said corporation, at the discretion of said trustees, may keep to meet the current payments of the said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct; *provided however*, that no loan shall be made under this section upon any stocks or security whatever, to a greater amount than three-fourths of the actual cash value of such stocks or security at the time of making such loan; and said corporation is hereby authorized gradually to accumulate a reserve fund, not exceeding one-tenth of the whole amount of such deposits, to meet any contingency of loss in its business, which said reserve fund shall be invested for the security of the depositors in the said corporation; and thereafter at each annual examination of the affairs of such corporation, any surplus over and above such sum shall,

Proviso.

in addition to the usual interest, be divided ratably amongst the depositors, at such times and in such manner as the board of trustees shall direct.

Deposits to be entered.

8. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made, but the said corporation shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on the fractional parts of a dollar, nor shall the said corporation be required to allow interest for the fractional parts of a month.

Depositor may appoint person to receive moneys.

9. *And be it enacted*, That a book shall be kept at the office of the said corporation in which every depositor shall be at liberty to appoint some person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to such person so appointed shall be a full discharge to said corporation.

May adopt by-laws.

10. *And be it enacted*, That the board of trustees of said corporation shall have power, from time to time to adopt a corporate seal, and to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulation of the times of meetings of the officers and trustees, and generally for transacting managing and directing the affairs of the corporation; *provided* such by-laws, rules and regulations are not repugnant to this act or to the constitution or laws of the United States or of this State.

Proviso.

Officers to give security.

11. *And be it enacted*, That the subordinate officers and agents of said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Annual report to Legislature.

12. *And be it enacted*, That the said corporation shall, in the month of January, of each year, make a report to the Legislature of the business of the said corporation for the preceding year, which report shall be verified by the oath or affirmation of its treasurer, or of a committee consisting of not less than three trustees, appointed by the board of trustees, to make such report.

Books shall be open to inspection.

13. *And be it enacted*, That the books of the said corporation shall, at all times during its business hours, be open for inspection and examination to the chancellor of this State, to any depositor in such corporation, and such other person as the legislature or chancellor shall designate or appoint as their agent for that purpose; whenever any agent shall be appointed to make any such examination he shall be paid for his services, by such corporation, such sum as the chancellor certifies to be reasonable and just.

Deposits made by females not to be controlled by husband.

14. *And be it enacted*, That it shall be lawful for the said corporation to receive any deposit or deposits of money from any married female or females, and to hold the same, and also any deposit made by any female thereafter marrying, together with such dividends as may accrue thereon as the sole and separate property of the depositor thereof, as if she was single, not subject to the control or disposition, nor liable for the debts of her husband, and to repay the same, or any part thereof, and the dividends or any part thereof, upon the order, check, receipt or demand of the depositor without the knowledge or consent of her husband, and such payment shall exonerate and discharge the said corporation from any further liability respecting the said deposit or deposits and the dividends thereon to the amount thereof so paid by them.

Minors may give acquittance for deposits.

15. *And be it enacted*, That whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardians shall have been appointed for such minor or the guardian of such minor shall not have authorized the drawing of the same, and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or as if the said minor was of full age.

Misnomer not to impair.

16. *And be it enacted*, That the misnomer of said corporation, in any instrument, shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

Chancellor may appoint persons to examine the affairs of the bank.

17. *And be it enacted*, That the chancellor may at any time, on the application of any trustee or depositor in said corporation, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally; the books, papers and business of said corporation shall be open and subject to the examination of

such person or persons, and the trustees, officers and clerks thereof, or any other person may be examined on oath by such person or persons; and the chancellor may confer such further powers on the person or persons so appointed as he may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation; the said person or persons so appointed shall report the result of such investigation to the chancellor who, if satisfied thereby, that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said chancellor shall deem expedient.

Report to be made.

Legislature may amend.

18. *And be it enacted*, That this act shall continue in force during the pleasure of the trustees, but the Legislature may at any time amend or modify the same.

General powers.

19. *And be it enacted*, That the said corporation shall be entitled to the privileges, and subject to the liabilities and restrictions provided in and by an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, except when they shall conflict with this act, or it is not otherwise enacted by this act.

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

Approved March 29, 1871.

CHAPTER CCCLXXVII.

An Act to incorporate The Germania Fire Insurance Company, of the city of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mayer Southeimer, Ferdinand Blancke, Richard Frohwein, August Hishbaum, John Peter Ritter, John Engle, Andrew Dutcher, Thomas B. Budd, Charles H. Genung, John Brown, senior, Charles Russ and such other persons as shall become stockholders

Corporators.

in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name and style of "The Germania Fire Insurance Company, of the city of Elizabeth," and by that name shall be known in law, and have power to sue and be sued, to defend and be defended in all courts, whether in law or in equity, and by that name may have, purchase, possess hereditaments, goods, chattels and effects of what nature or kind soever, necessary for the purposes of this corporation, and the same to grant, devise, alien and dispose of at pleasure for the benefit of said company; and may also have a common seal, and the same to alter and renew at pleasure; and also to have perpetual succession; and also to create such officers and committees, and to delegate to them such powers as they shall deem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided*, the same be not contrary to the laws of this State.

Corporate name and powers.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, with the privilege to increase the said capital stock to two hundred thousand dollars; and the said company shall not commence business until fifty thousand dollars of said stock shall have been paid in.

Directors, election and powers.

3 *And be it enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by a board of thirteen directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year, and until others may be chosen, and shall, at all times during their continuance in office be stockholders in the said company, holding in their own right ten or more full shares; the annual election for directors shall be held at the office of the company, public notice of which shall be given for ten days in one or more newspapers published in the city of Elizabeth; and each share of stock shall entitle its owner to one vote at each election, which may be given in person or by proxy.

Have power to appoint officers.

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

company, and to allow them such compensation for their services, as may in their judgment be deemed reasonable.

Commissioners to receive subscriptions.

5. *And be it enacted*, That Mayer Southeimer, Ferdinand Blancke, Richard Frohwein, August Hirshbaum, John Peter Ritter, John Engle, Andrew Dutcher, Thomas B. Budd, Charles H. Genung, John Brown, senior, Charles Russ, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and that as soon as five hundred shares are subscribed, the said commissioners, or a majority of them shall, by public notice, published in one or more of the papers published in the city of Elizabeth, for one week, call a meeting of the stockholders, for the purpose of choosing the first board of directors.

Property that may be insured.

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

Policies or contracts to be binding.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made and entered into by said company, may be made under or without the seal thereof, and shall be subscribed by the president or vice president, or by such other officer or officers 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 aud meaning thereof, and of such like policies or contracts.

May purchase and hold real estate.

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

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

Stock to be 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.

Semi-annual dividends.

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

Directors shall not borrow money.

11. *And be it enacted*, That the directors of said company shall not directly or indirectly borrow money from said company or use the same, except to pay necessary expenses; and the directors shall, from time to time, have power to

May make by-laws.

make, ordain and establish such by-laws and regulations as they shall judge proper, for the managing and directing of the affairs of said company.

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

Approved March 29, 1871.

CHAPTER CCCLXXVIII.

An Act to authorize the trustees of School District Number Seven, in the township of Readington, county of Hunterdon, to sell their school house and lot.

Trustees empowered to sell house and lot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number seven, in the township of Readington, in the county of Hunterdon, are hereby authorized and empowered

to sell at public or private sale, the house and lot belonging to the said district, and execute and deliver to the purchaser or purchasers a good and sufficient deed for the same.

Statement of their proceedings to be entered on book of minutes.

2. *And be it enacted*, That the said trustees shall cause to be entered in their book of minutes a correct statement of all their proceedings under this act, of the moneys received for the sale of said lot, and of the expenses attending the same.

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

Approved March 29, 1871.

CHAPTER CCCLXXIX.

An Act concerning taxes in the county of Mercer.

Preamble.

WHEREAS, at the last annual assessment of taxes in the township of West Windsor, in the county of Mercer, and State of New Jersey, the total amount of real and personal property liable to taxation, was assessed at the sum of one million three hundred and eighty-nine thousand two hundred and four dollars ($1,389,204); AND WHEREAS, at the meeting of the board of assessors of the said county of Mercer, for the purpose of fixing and adjusting the proportion or quota of tax to be levied and collected in each township and ward in said county in proportion to the value of the real and personal estate in each township and ward, the abstract of the net value of taxable real and personal property in the township of West Windsor, was, by an error of said board, designated at the sum of one million nine hundred and eighty-nine thousand three hundred and ninety dollars, making an over assessment in said township of West Windsor, of six hundred and five thousand one hundred and eighty-six dollars; the tax upon which said over assessment amounting to one thousand two hundred and fifty-four dollars and twenty cents ($1,254.20), the said township of West Windsor has been compelled to pay; therefore,

Chosen freeholders to add to the amount to be raised for county purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Mercer, be and they are hereby authorized and required to add to the amount to be raised for county purposes, in the county of Mercer, for the year one thousand eight hundred and seventy-one, the sum of one thousand two hundred and fifty-four dollars and twenty cents ($1,254.20), so as aforesaid paid upon said over assessment by the township of West Windsor, together with interest upon the same from the time of the payment of the same by the township collector of West Windsor.

County collector to deduct amount due from West Windsor.

2. *And be it enacted*, That upon the payment, by the several townships and wards of the county of Mercer to the county collector of said county, of the amount of county tax for the year one thousand eight hundred and seventy-one, it shall and may be lawful for said county collector to deduct from the amount due from the said township of West Windsor, the said sum of one thousand two hundred and fifty-four dollars and twenty cents ($1,254.20), with the interest as aforesaid.

Approved March 29, 1871.

CHAPTER CCCLXXXI.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, anno domini one thousand eight hundred and sixty-three.

Annual charter election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual charter election of the city of New Brunswick, provided for in the sixth section of the act to which this is a supplement, and for the raising of money for said city, shall be held in each of said wards, on the second Tuesday in April next, and on the second Tuesday in April in each and every year thereafter, at such places in said wards as the common council shall appoint.

Commissioner of appeals.

2. *And be it enacted*, That each ward in the city of New Brunswick shall be hereafter authorized to elect, annually, one commissioner of appeals in cases of taxation, who shall hold their offices, respectively, for the term of one year.

Aldermen entitled to receive their salaries.

3. *And be it enacted*, That the eighth section of the act entitled "A further supplement to an act entitled 'An act to revise and amend the charter of the city of New Brunswick,'" approved the twenty-third day of February, anno domini one thousand eight hundred and seventy-one, shall not go into effect during the present official year in said city, except in the case of the present members of the board of aldermen, who shall be entitled to receive the salaries provided for them therein.

Repealer.

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

Approved March 29, 1871.

CHAPTER CCCLXXXII.

Supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth," approved March fourth, one thousand eight hundred and sixty-three.

Receiver of public revenue shall prepare and publish notice of assessments ratified by city council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the city council have ratified assessment for any improvement, and the owner has not paid the same, or given bond as required in section one hundred and ten of the act to which this is a supplement, the receiver of public revenue shall, (if the same has not already been done), prepare an abstract of such assessment, and enter the same in a book kept for that purpose, and shall give notice of every assessment so ratified and now remaining unpaid, in a newspaper printed and published and circulating in the said city of Elizabeth, which notice may contain any number of improvements, and shall be published for three weeks successively, at least

once a week, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate assessed in such certificate, to pay the amount to him with interest thereon from the time of the ratification of such assessment at seven per centum per annum, at his office, within thirty days from the first day of April next, or within the said time pay to him the interest on said assessment from the date of the ratification, to be computed at the rate of seven per centum per annum, and deliver to him a bond entered into by said owner or owners to said city, conditioned for the payment of such assessment in five years from the date thereof, by paying twenty per centum of the amount of such assessments in each and every year, with interest upon the amount of such assessment or such part thereof as may remain unpaid, at the rate of eight per centum per annum, semi-annually, and in case the sum of money mentioned in the condition of the said bond shall not be paid with interest at the expiration of the said five years, or in case any instalment or interest shall not be paid according to the condition thereof, then the said land and real estate may be sold as provided for by the act to which this is a supplement and the supplements thereto; and the city council shall have power to issue bonds for the renewal of bonds issued in contemplation of the payment of the above mentioned assessments; the city council shall have the power to issue funded debt bonds for the amount that the said city has expended over the amount of appropriations raised by tax; the chief and captain of police of said city may reside in any part or ward thereof.

Owners of land assessed to pay assessment.

City council shall have power to issue funded debt bonds.

Chief and captain of police.

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

Approved March 29, 1871.

CHAPTER CCCLXXXIII.

A Further Supplement to an act entitled "An act to improve Paterson avenue, from the westerly line of the Paterson plank road to the Secaucus road, and the Secaucus road from Paterson avenue to Pen Horne's creek, in the county of Hudson," approved April first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners named in the above entitled act, to pave between the curbs of Paterson avenue and all that part of Secaucus road from Paterson avenue westerly to the easterly line of the Northern Railroad of New Jersey, with such material as they may determine on: that it shall also be lawful for said commissioners to lay such material on any side and crosswalks to be laid by them under the act to which this act is a supplement, as they may elect. Commissioners to pave road.

2. *And be it enacted*, That said commissioners are hereby empowered and authorized to change the location, and to open, widen, grade and regulate the old county road to the width of thirty feet, from each side of the following described centre line, to wit: beginning at a point where an iron bolt is driven in the old county road, which said point bears south thirty-five degrees forty minutes west, and is distant one hundred and forty-three feet and three inches from the intersection of the westerly line of the said old county road, with the division line between lands of one Kirkpatrick and Glass; and from thence running south thirty-four degrees thirty minutes west, about eight hundred feet to the angle in the centre line of the new county road, with a width of thirty feet on each side of the above described centre line. May open, widen and grade old county road. Line.

3. *And be it enacted*, That the said commissioners shall have power to vacate any portion of any street, lane, road or avenue named in said act; and that whenever said commissioners shall change or alter the location of any street, lane, road or avenue, they shall have the power to take into Commissioners empowered to vacate streets, roads, &c.

consideration the land or premises which may be vacated, and thus become the property of the front owner or owners on said street or lane, road or avenue, in awarding benefits or damages to the property benefitted or damaged by said alteration or location of said street, lane, road or avenue so changed, and the lands so made to become the property of the said front owners as aforesaid, shall be held by said front owner or owners in fee, and the said commissioners shall file a description of the land so vacated, in the office of the clerk of the county of Hudson, which description shall be deemed and taken to be a deed of conveyance to the said property owner or owners; *provided*, that the road leading from Pen Horne's creek to the Paterson plank road, and no part of the same shall be vacated excepting upon application in writing of a majority of the lands fronting on the same.

Proceedings in case of refusal of court to confirm assessment.

4. *And be it enacted*, That in case the court of common pleas of the county of Hudson should refuse or decline to confirm the assessment referred to in the ninth section of the act to which this act is a supplement, then it shall be the duty of the court to appoint three disinterested persons, commissioners, who, within ten days after their appointment, shall take the same oath required to be taken by the commissioners appointed by this act, which oath shall be filed with the clerk of the said court of common pleas, whose duty it shall be to proceed to make a new assessment of said improvements, after the manner provided for in this act for making such assessment, and who shall for all things for the purposes of such assessment, be vested with the same powers as the commissioners appointed by this act, and shall file their report and map thereof with said clerk of the court of common pleas within sixty days after their appointment, which report shall be confirmed by the said court of common pleas at a subsequent meeting of the said court after the filing of the said report and map, which said report shall be final and conclusive upon all parties interested; and that the costs of the expenses of such new assessment shall be added to the expenses of said improvements, and assessed and collected in the same manner as the first assessment of such improvement; and that the powers and duties of said commissioners, appointed by the court of common pleas, shall cease and determine upon making their report as aforesaid.

5. *And be it enacted*, That the commissioners, in addition

to the duties required by the act to which this is a supplement, are hereby empowered and authorized to open, widen, grade, regulate and extend the old county road, from the point where an iron bolt is driven in the old county road aforesaid, which said point bears south thirty-five degrees forty minutes west, and is distant one hundred and forty-three feet and three inches from the intersection of the westerly line of said old county road, with the division line between the lands of Kirkpatrick and Glass, in a northerly direction until it intersects the southerly line of lands of Abel J. Smith, deceased; and from thence northeasterly to a point in the westerly line of the old Secaucus road, distant not less than one hundred feet southeasterly from the centre of the lane leading from the said old Secaucus road into the premises of Abel J. Smith. Commissioners may extend old county road.

6. *And be it enacted*, That the said commissioners are also empowered and authorized, upon application of a majority of the land fronting upon the proposed road, to regulate, grade and widen so much of the old Secaucus road as lies between Pen Horne's creek and a point in said road, distant not less than one hundred feet southeasterly from said lane leading from said old Secaucus road into the premises of Abel J. Smith; said road to be widened to the width of sixty feet; *provided, however*, that so much of said road as runs through lands of Abel J. Smith, deceased, shall be widened to the width of thirty feet from each side of the present centre line. Commissioners empowered to regulate, grade and widen Secaucus road on application of majority of land fronting on same. Proviso.

7. *And be it enacted*, That the cost and expense for the additional improvements provided for in this act, are to be assessed and collected in the same way and manner as provided for in the act to which this act is a supplement, for the improvement of Paterson avenue; and said act shall, in all respects be so construed as to include within its provisions for the improvements contemplated by this act, as though said additional improvements were named in said act, in connection with Paterson avenue and the Secaucus road, so far as the same will, in any respect, relate to the said additional improvements named. Cost and expenses, how assessed and collected. Act, how construed.

8. *And be it enacted*, That no part or portion of the costs, charges and expenses of the improvements provided for in this act or the original act to which this is a supplement, shall be levied or assessed against or upon any lands or No part or portion of expenses to be assessed.

New Jersey State Library

property lying north of a line extended east and west from a point in the centre of said lane leading from said old Secaucus road into the premises of Abel J. Smith.

Repealer.

9. *And be it enacted*, That so much of the original act, approved April first, one thousand eight hundred and sixty-nine, as conflicts with the provisions of this act, and section four of an act entitled "A supplement to an act entitled 'An act to improve Paterson avenue, &c.,'" approved March seventeenth, one thousand eight hundred and seventy, be and the same are hereby repealed.

Repealer.

10. *And be it enacted*, That section twenty-six of the original act, approved April first, one thousand eight hundred and sixty-nine, so far as the same relates to the old Secaucus road and the old county road, be and the same are hereby repealed.

Certificates of indebtedness may be issued for future improvements.

11. *And be it enacted*, That the said commissioners, are hereby authorized and empowered to issue certificates of indebtedness under their hands and a common seal to be adopted by them, payable by their treasurer out of the moneys collected by him for any improvement hereafter to be made at such times as the said commissioners shall in their judgment deem advisable, not to exceed one year from the date of the final confirmation of the assessments made by virtue of the act to which this act is a supplement, and the supplements thereto, bearing interest from the date of their issue at and after the rate of seven per centum per annum, a record of which certificates of indebtedness so issued, shall be kept by the said commissioners, *provided*, that this section shall not apply to any assessment made, or to be made for opening, widening or altering the lines of said roads as herein provided.

Proviso.

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

Approved March 29, 1871.

CHAPTER CCCLXXXIV.

An Act to regulate fishing with seines, in the county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, if any person or persons shall set, draw, or use any seine, gill net, pound, or any description of net over twenty-five fathoms in length, or place two seines together, making in the aggregate more than twenty-five fathoms in length, in the county of Cape May, or any waters of the same, except for the purpose of taking or catching the fish known as Moss Bankers, in the waters of Delaware bay, during the months of June, July, August and September of each year; such person or persons so offending shall forfeit and pay the sum of one hundred dollars, with costs of suit, for each and every offence, to be recovered by any person who shall prosecute for the same, in any court of record in this State having cognizance of that sum, one moiety thereof to the use of the prosecutor, and the other moiety thereof to go to the overseer of the poor of the township where the offence was committed, for the use of the poor of said township; and that in addition thereto, the seine, boat and appurtenances so used, shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth sections of the act entitled "An Act for the preservation of Clams and Oysters," approved April fourteenth, one thousand eight hundred and forty-six; nothing in this act shall be construed to prevent the fishing of long seines for the purpose of taking fish for manure, in the Delaware bay, or for taking fish for general use, on the Delaware bay shore, in the lower township.

Fishing with seines or nets over a certain length prohibited at certain seasons.

Penalty.

2. *And be it enacted*, That nothing in this act shall be construed to apply to, or in any way affect any former act in force in the lower township in said county, nor shall this act apply to seines or nets used in the Delaware bay exclusively for taking fish for manures.

Act not to be consrued to apply or affect any former act.

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

Approved March 29, 1871.

CHAPTER CCCLXXXV.

An Act to authorize the Trustees of School District Number Seventeen, of the county of Atlantic, (usually known as the Bakersville District, in the township of Egg Harbor) to borrow money by issuing bonds to build a school house.

Trustees authorized to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number seventeen, of Atlantic county, New Jersey be, and they are hereby authorized to borrow any sum of money, not exceeding three thousand dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon, within said school district and furnishing the same.

May issue bonds to secure the repayment of loan.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan with interest, the said trustees may issues bonds in their corporate name and capacity to the lenders of said moneys in amounts not less than twenty-five dollars each, with interest at the rate of seven per centum payable annually, of which said bonds two hundred dollars in amount shall be made payable in one year from the date of their issue and the same amount annually thereafter until the whole amount issued shall be redeemed with the interest thereon, which bonds shall be registered in a book to be provided and kept by said trustees for that purpose, and shall be assignable at law, and shall be a first lien in the nature of a mortgage upon the lot of land and house thereon, to be purchased and built with the proceeds thereof, and such lien may be enforced by any court of competent jurisdiction in the same manner as ordinary mortgage liens now are or hereafter may be enforced; *provided*, that the lien of such bonds may be postponed to the lien of a mortgage for consideration money on the purchase of said lot of land; and it shall be lawful for said trustees to provide by contract in said bonds, to pay the whole or any part of the tax

Proviso.

to be levied and assessed on the same in the hands of the holders.

Duty of assessor and officer authorized to collect taxes.

3. *And be it enacted*, That in order to provide for the payment of the said loan, as the same matures, with the interest which shall, from time to time, accrue thereon, it shall be the duty of the assessor of Egg Harbor township, annually to levy and assess upon the inhabitants of the said district and their estates, according to the present boundaries of said district, and in the same manner as other taxes are now levied and assessed, such sums of money as will be sufficient to meet the annual payment of two hundred dollars, with the payments of interest on the whole loan remaining unpaid which shall accrue for the current year, and five per centum added thereto for losses and contingencies, which assessment shall be collected by the officers now or hereafter authorized by law to collect township taxes, and shall be separately accounted for by him and paid over to the holders of said bonds on orders to be made and signed by the clerk or other proper officers of the said school district, and if any surplus shall remain in any year after meeting the payments due for that year, the same shall remain and be applied towards the amount accruing for the next year, and if any deficiency shall occur the same shall be added to the assessment for the ensuing year.

Clerk to receive the funds and give security.

4. *And be it enacted*, That the funds raised by the negotiations of said bonds shall be received by the clerk of said school district, and shall be accounted for by him to the district and be used for the purposes mentioned in the first section of this act, and such clerk shall, before he receives any portion of said loan, give good and sufficient security to the said district by its corporate name, to be approved of by the trustees, for his faithful conduct in the execution of his office, and for rendering a just and true account of all moneys received and paid out by him, and for the payment to his successor in office of any balance found in his hands, and said successor shall also in his turn give like security with like condition.

Act not to take effect unless approved by a majority of legal voters of district.

5. *And be it enacted*, That this act shall not take effect unless it be first approved by a majority of such legal voters of said school district who may attend and vote at any meeting of said voters held after ten days' notice thereof, given by the district clerk of said district by at least five printed notices, put up in five of the most public places within said

district, setting forth the time, place and objects of said meeting, which vote shall be taken by ballot, to be written or printed, or partially written and partly printed, with the words "for approval" or "against approval," and the judges of the last preceding township election at which the voters of said school district were allowed to vote, shall be the judges of the election at said school meeting, and shall declare the result, and in case of the absence or failure to serve of any or all of said judges, the said trustees may designate one or more, or all, as the case may require, of their number to act as judges in the place of such judges of election as may not attend, and the said district clerk shall be clerk of said meeting, and shall keep a list of all voters who shall vote at said meeting, and the said meeting and the poll shall be kept open two hours at least, and the ballots shall be numbered and strung and the result certified in the same manner, as near as may be, as elections for members of assembly now are, and the said poll list and ballots shall be preserved and filed in the county clerk's office; and if the election shall result in an approval of this act the said judges of election and district clerk shall make, sign and verify, by oath or affirmation before a competent officer, a certificate of such result, which shall be filed and recorded by the county clerk in the book used for such purpose, and the record thereof, or a duly certified copy, shall be plenary evidence of such result, and the clerk of said district shall annex to such certificate, to be filed and recorded therewith, an affidavit of the posting of the notices of such meeting.

Judges of election to hold election and declare result.

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

Approved March 29, 1871.

CHAPTER CCCLXXXVI.

An Act to create from a part of the townships of Clinton and Lebanon, in the county of Hunterdon, a new township, to be called the township of High Bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Clinton and Lebanon, in the county of Hunterdon, contained within the following bounds, to wit: beginning at a point in the middle of Spruce run brook, a corner of Clinton and Lebanon townships and in the line of Union township; thence, first, in a southerly course down the middle of said brook, the several courses thereof, to the boundary line of Clinton borough; thence, second, along the line of said borough in an easterly course to the northeast corner of said borough; thence, third, in a direct line to a stone bridge over the Beaver brook, near the residence of David Sharp; thence, fourth, in a direct line to a plank bridge, south of the residence of Emanuel Sutton; thence, fifth, in a direct line to a point in the middle of the road leading from the village of Lebanon to Cokesburgh, where it is intersected by the road leading from Fairview school house to said road, thence on the same course until it intersects the westerly boundary of Tewkesbury township; thence, sixth, along the line of said Tewkesbury township in a northerly course to a corner of Tewkesbury and Lebanon townships in the middle of the south branch of Raritan river at the village of California; thence, seventh, along the road leading from California to the Puddle hotel to a corner in the road near the residence of Jacob M. Trimmer; thence, eighth, in a direct line to a point in the public road leading from High Bridge to White Hall, fifty feet north of Philip Terreberry's dwelling house; thence, ninth, in a direct line to a point in the line of Lebanon and Bethlehem townships where the public road leading from High Bridge to Clarksville first intersects the same; thence, tenth, in a southerly course along the dividing line between the townships of Boundaries.

Lebanon and Bethlehem, and Lebanon and Union to the place of beginning, be and the same is hereby set off and created into a new township, to be called the township of High Bridge.

Corporate name.

2. *And be it enacted*, That the inhabitants of the said township of High Bridge are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of High Bridge, in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all the regulations, laws, government and liabilities to which the inhabitants of the other townships in said county of Hunterdon are or may be entitled or subject to by the existing laws of this State.

Time and place of holding town meeting.

8. *And be it enacted*, That the inhabitants of the said township of High Bridge shall hold their first town meeting at the hotel of Mark Devlin, otherwise known as the American Hotel, in the village of High Bridge, in said township of High Bridge, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hunterdon, and annually thereafter at such place in the said township of High Bridge as a majority of the legal voters of said township shall determine; that at their said town meetings they shall vote by ballot until it shall be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An Act to authorize the inhabitants of the several townships of this State to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the township of High Bridge.

Officers of election.

4. *And be it enacted*, That Peter A. Beavers, George W. Honness and Ambrose Fritz, be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Isaac Hummer is hereby appointed town clerk of said township of High Bridge, to hold their respective offices until their successors are elected and qualified in their stead; and any person acting as judge of election or town clerk, shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability to serve of any of said persons so

Proviso.

appointed by this act, a majority of the legal voters present may fill such vacancy.

Election for officers and amount of money to be raised.

5. *And be it enacted*, That the inhabitants of said township of High Bridge shall elect, at their first annual town meeting, such officers as are authorized by law to be chosen in the other townships of the county of Hunterdon, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the repair of roads, for the support of the poor, and for such other purposes as may be authorized by law.

Township committees to divide and allot property, &c.

6. *And be it enacted*, That the town committee of the said township of High Bridge, together with the town committees of the respective townships of Clinton and Lebanon, shall meet at such time and place in the respective townships aforesaid, (within three months after their election) as shall be appointed by the town committee of High Bridge, of which notice, in writing, shall be served on the respective town committees, by delivering said notice to one of the members of the respective town committees, at least ten days prior to such meeting, and may adjourn, from time to time, as a majority of them shall direct, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said township of High Bridge, and the said townships of Clinton and Lebanon, respectively, all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables as taxed by the assessors of the said respective townships within their respective limits, at the last assessment; and the inhabitants of the said township of High Bridge shall be liable to pay their just proportion of the debts, if any there be due, and the town committee of the township of High Bridge, or a majority of them, are hereby authorized to sign and deliver the corporate obligations of said township for the payment of such debts, at such time as may be agreed upon between the respective committees, and if any of the persons comprising either of the committees of the said township of High Bridge, and of the respective townships of Clinton and Lebanon, respectively, shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

7. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in

Officers of part of township set off and justice of peace, &c., not affected.

that part of the townships of Clinton and Lebanon, respectively, set off and called the township of High Bridge, nor with the commissions of justices of the peace, nor commissioners to take the acknowledgments and proof of deeds until they shall expire by their own limitation.

Boundary lines to be surveyed and marked.

8. *And be it enacted*, That the committee of the said township of High Bridge shall cause the boundary lines of said township to be surveyed and marked when necessary.

Assembly district.

9. *And be it enacted*, That the township of High Bridge shall form part of the second assembly district of the county of Hunterdon.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 29, 1871.

CHAPTER CCCLXXXVII.

An Act to set off a part of the township of Tewksbury, in the county of Hunterdon, and annex the same to the township of Clinton, in said county.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Tewksbury lying and being southeasterly from where a straight line, running from the point where the township of Tewksbury and the new township of High Bridge intersect each other at the end of the fifth course, in the act creating the said township of High Bridge, to an arch bridge over Cold brook, in a line between the townships of Tewksbury and Readington, be and the same is hereby set off and annexed to the township of Clinton.

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

Approved March 29, 1871.

CHAPTER CCCLXXXVIII.

An Act to amend an act entitled "An act to incorporate the Central Insurance Company," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act hereby amended, shall be amended by adding to the corporators therein named, the following named persons as corporators, with the same powers to them, their associates, successors and assigns as to the corporators therein named, viz: Peter A. Rogers, Charles Knapp, John H. Clark, Charles Edwards, William Littell, Amzi Condit, Mortimer De Nyse, Albert C. Pratt, Samuel T. Seaman, Asahel Clark, J. D. Condit, Jr., Stuart Barnes, Israel De Nyse, Charles D. Culver, Samuel Ferris, James Hitchcock, Charles J. Sands, Joseph I Day, Jr., George Butler, Edward T. Whittingham, J. Thomas Culver, Theodore S. Wilber, William H. Mole, Alfred Gage, A. Judson Clark. Amendment. Corporators.

2. *And be it enacted*, That the second section of said act be amended by adding the following words at the end thereof, viz: "also to purchase or make loans upon any other property of the value of not less than five hundred dollars, security, or evidence of ownership, or indebtedness, and receive deposits in trust, and undertake the custody and management in trust of money and property of every description, upon such terms as shall be agreed upon, and from any court, person, or otherwise; and to assume and make guarantees of any description upon or in regard to life policies, dividends, and notes outstanding in life companies, and bonds, securities, obligations and contracts made or issued by any person, corporation, or otherwise. Amendment.

3. *And be it enacted*, That the third section of said act be amended by striking out after the words "shares of one hundred dollars each" the words "which shall," and inserting instead thereof the following words, viz: "with liberty Amendment.

to said company to increase the said capital stock to an amount not exceeding two hundred and fifty thousand dollars, as the board of directors may from time to time prescribe, and if by them deemed requisite, the said company may further increase the same in the manner provided in and by the act entitled 'An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes,' approved March second, one thousand eight hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act; and said stock shall;" also by striking out the words "not to exceed three and one-half per centum of the same," and insert instead thereof the words "of such sum as the board of directors may find to be equitable."

Amendment.

Amendment.

4. *And be it enacted*, That the fifth section of said act be amended by inserting after the word "plan" in the second line, the words following, viz: "or otherwise as the by-laws may provide," also by adding after the last word of said section the words "and each stockholder likewise."

Amendment.

5. *And be it enacted*, That the seventh section of said act be amended by inserting after the words "any other State" the words "or any other valuable property or security whatever;" by inserting after the words "value of the stock" the words "or other security," and after the words "to be credited" the words "apportioned and paid over."

6. *And be it enacted*, That the tenth section of said act be amended by inserting the word "insurance" before the word "business," and by striking out the words "the whole capital" and inserting instead thereof the word "funds."

Amendment.

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

Approved March 29, 1871.

CHAPTER CCCLXXXIX.

An Act to incorporate the Palisade Hotel Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William B. Dana, William W. Phelps, Jacob S. Wetmore, George S. Coe, Nathan T.

Johnson, Charles Newcomb, Robert Baylis and Cornelius Lydecker, and their associates, and all other persons who shall become subscribers to and owners of the capital stock of the corporation hereby created, shall be and they and their successors are hereby made and declared a body corporate and politic, in fact and in law, by the name of "The Palisade Hotel Company," and by that name shall have perpetual succession, and shall have power to have, hold, lease, purchase, sell and convey such real estate in the township of Hackensack, and county of Bergen, as may be necessary and proper for the erection and operation of a hotel for the accommodation of the public, and a livery stable therewith, and such other buildings and improvements as may be adapted to and connected with the same, or necessary and expedient for the management of and maintaining the same; and they shall have all such powers and authority as shall be necessary to transact all business that may be incident and appertaining to the erecting, furnishing, managing, conducting, leasing or otherwise disposing of such premises, with the buildings and improvements or any of them thereon, and of the other real and personal property of said corporation.

Corporate name.

Powers.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same at any time by a vote of a majority of the board of directors, to any sum not exceeding the sum of two hundred and fifty thousand dollars, and said stock shall be deemed personal property, and shall be divided into shares of one hundred dollars each, to be transferable only on the books of the company, and in such manner as shall be prescribed by the by-laws of said incorporation; and each share of stock shall entitle the bona fide holder thereof to one vote, to be given either in person or by proxy, at any regular meeting of the stockholders.

Capital stock.

3. *And be it enacted*, That the said William B. Dana, William W. Phelps, Jacob S. Wetmore, George S. Coe, Nathan T. Johnson, Charles Newcomb, Robert Baylis and Cornelius Lydecker, or a majority of them, are hereby constituted commissioners to open books of subscription to the said capital stock, at such time and place in the township of Hackensack as they shall designate, by a notice to be published for at least one week in some newspaper published and circulating in Bergen county, and that when twenty-five

Commissioners to open books and receive subscriptions.

thousand dollars of the said capital stock shall have been subscribed and paid, the said commissioners or a majority of them, shall call a meeting of the subscribers, giving at least ten days' notice of the time and place of such meeting in manner aforesaid, and when so met the said subscribers shall have power to choose from their own number by ballot and by a majority of votes, a board of eight directors, to continue in office until the second Monday in May then next ensuing, or until others shall be chosen in their stead.

Power of directors.

4. *And be it enacted*, That a majority of said directors shall constitute a quorum for the transaction of business, and that the board of directors shall choose from their own number a president, and such other officers as shall be advisable, and shall have full power to make, alter and repeal all necessary by-laws, rules and regulations, for the transaction of the business of the said corporation, and to prescribe the way in which the subscriptions to the capital stock shall be paid, and to impose penalties, including the forfeiture of stock for the non-payment of any instalment, or for neglect to make the payment in the way prescribed, and to choose and appoint such officers and agents as may be requisite for the proper management of the affairs of the said corporation, and such officers and agents at pleasure to remove.

Annual election.

5. *And be it enacted*, That the annual election of directors of the said corporation shall be held on the second Monday in May, in each year, at such time and place in the township of Hackensack aforesaid, as the directors shall appoint, by notice given at least ten days previously in some newspaper published and circulating in the county of Bergen, and in case of a vacancy or vacancies occurring by death or otherwise, the remaining directors shall have power to fill the same until the next annual election.

Capital stock not to be withdrawn until all debts are paid.

6. *And be it enacted*, That the said capital stock shall not nor any part thereof be withdrawn from the legitimate business of the said incorporation, or refunded to the stockholders or any of them, until all the debts and liabilities of the said incorporation shall have been paid and discharged.

Amount of debts not to exceed the amount of capital stock paid in.

7. *And be it enacted*, That the whole amount of the debts which said corporation shall owe at any one time shall not exceed the amount of capital stock paid in, and that the said corporation shall not be permitted to issue any bonds, mortgages or other obligations exceeding in amount two-thirds of the actual paid in capital stock of said corporation,

or the actual value or consideration of any property owned by said incorporation.

Office and place of business.

8. *And be it enacted*, That the place of business and principal office of said incorporation shall be at or near Englewood, in the township of Hackensack, and county of Bergen aforesaid, and that annually at the meeting of the stockholders to be held as aforesaid on the second Monday of May, or on any properly adjourned day thereof in each year, the board of directors of said corporation for the time being shall submit to the stockholders a written statement of the condition of the affairs of said corporation, including the amount of capital stock paid in, the amount of all debts existing against the corporation, specifying to whom such debts are due, the receipts and credits of the corporation, which statement shall be verified by the affidavit of the treasurer, and the same shall be filed in the office of the secretary of the State.

Statement to be made.

No dividend to be paid only out of surplus profits.

9. *And be it enacted*, That no dividend shall be paid to the stockholders except only from and out of the surplus profits arising from the business of said corporation.

General powers.

10. *And be it enacted*, That the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable.

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

Approved March 29, 1871.

CHAPTER CCCXC.

An Act to incorporate the German Beneficial Society, of Glassboro, Gloucester county.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezekiel Schwarze, William Dishart, Michael Keubler, Christian Apple, John Siebert, Antone Hoffman, John Albright, David Frederick and Henry Monk, and those associated with them, and their suc-

cessors, shall be and they are hereby constituted a body
Corporate name. corporate, under the name, style and title of "The German Beneficial Society, of Glassboro, Gloucester county," with all the powers and privileges which now do or hereafter may belong to bodies corporate, as such under the laws of this State.

Object. 2. *And be it enacted*, That the objects of the said society shall be to assist its sick, disabled or needy members, or their families, and to aid in defraying the funeral expenses rendered necessary by the death of any member, or any person in the family of a member.

May receive, hold and convey real estate, &c. 3. *And be it enacted*, That for the accomplishment of these objects, or any of them, the said society shall have power to receive by gift, grant, devise or bequest, and to hold any real or personal estate, not exceeding five thousand dollars in value, and the same to loan, let, sell, exchange or convey in such manner as the said society may deem best, not contrary to the constitution and laws of the United States, or of this State.

May adopt by-laws. 4. *And be it enacted*, That the said society may adopt a constitution, by-laws and resolutions, providing for the election, duties and tenure of office of such officers as it may require, and for the management of its affairs; and may add to, alter and repeal the same at its pleasure in accordance with law.

May provide for collection of fees, dues, &c. 5. *And be it enacted*, That the said society may provide for the collection of fees, dues, assessments and fines from its members, to carry out the objects hereinbefore stated, and for the suspension or expulsion of its members for non-compliance with its proper requirements.

Property exempt from taxation. 6. *And be it enacted*, That the property of the said society shall be exempt from any tax imposed by or under the laws of this State.

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

Approved March 29, 1871.

CHAPTER CCCXCI.

An Act to incorporate the Orange Central Horse Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David A. Hayes, Moses H. Williams, James R. Gilmore, Theodore C. Elliott and William P. Condit, and such other persons as may be hereafter associated with them, 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 Orange Central Horse Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsover, necessary or expedient for the objects of this corporation. Corporators. Corporate name.

2. *And be it enacted*, That the amount of capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to two 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. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, or place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the county of Essex, and if more than fifty thousand dollars of stock be subscribed, it shall be the duty of the said commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road. Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That at the time of subscribing for said stock, ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them, and as soon as the sum of twenty-five thousand dollars of Directors.

the capital stock is subscribed for, the said company shall be organized by the said commissioners, who shall be the first directors of said company, and continue as such directors until such time in the year one thousand eight hundred and seventy-one as the said company, by their by-laws, may appoint for the annual election of directors; and the said directors, as soon as may be convenient after said sum is subscribed, and the directors chosen at every annual election of said company, shall choose, out of their own number, a president, who shall be a resident of this State; and in case of the death resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a majority of the said directors, and in the absence of the president, a majority of the said directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Vacancy, how filled.

Failure to elect directors not to dissolve.

5. *And be it enacted*, That the number of the directors of said company shall be seven, and in case it shall happen that an election of directors should not be made during the day when, pursuant to the by-laws of said company it should have been made, the said corporation shall not for that cause be deemed to have been dissolved, but such election may be held at any other time on giving at least twenty days' notice in two of the newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Power to call in capital stock on pain of forfeiture

6. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of the said corporation, and shall have power to call in the remaining stock of said company by such instalments and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Essex; *provided*, that no instalment shall exceed ten dollars on each share, and that no two instalments shall be required to be paid within thirty days of each other, and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and

regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

May survey, lay out and construct a railroad.

7, *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point on South Orange avenue, in the city of Newark, to some suitable point in the township of South Orange, with one or more branches in the township of East Orange and the town of Orange, and to locate and construct said railroad, not exceeding one hundred feet in width; and it shall be lawful for the president and directors, their agents, engineers and others in their employ, to enter at all times upon lands for the purpose of exploring, levelling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereto, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails and to do all things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for; *provided*, that such railroad shall not nor shall any branch thereof be laid out or constructed on Central avenue or any part thereof.

May enter on lands, &c.

Proviso.

Shall not lay any rails along any street or highway without first obtaining permission of the common council, township committee, &c.

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

road shall be located on any public highway, except for the purpose of crossing the same, in the town of Orange, the said company shall not lay any rails along said streets and highways, nor commence the work for that purpose, without first obtaining the permission of the common council of said town, upon such conditions and restrictions as the said common council may designate, to lay the same; and if the said railroad shall be located on any public highway, except for the purpose of crossing the same, in the township of East Orange, or the township of South Orange, the said company shall not lay any rails along such highway, nor commence the work for that purpose, without first obtaining the consent in writing of the township committee, surveyors of the highways, and chosen freeholders of said township, or a majority of them, upon such conditions and restrictions as they or a majority of them may prescribe, to lay the same, which consent shall be filedin the office of the clerk of the county of Essex; and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located; and that the track of said road shall be restricted to the run or track of wagons, as now established by law of this State.

Proceedings when no agreement can be made between company and owners of land.

9. *And be it enacted*, That if the said company, or its agent or agents cannot agree with the owner or owners of such required land for the use or purchase thereof; or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of 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 said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Essex, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this State, or if unknown and out of this State, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as

aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this State, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making such appointment of commissioners; and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, making a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the lands, the said commissioners, at the same time, taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal, the verdict of a jury, and the judgment of the court, and a copy thereof, certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings in case of appeal.

10. *And be it enacted*, That in case the said company, or owner or owners of the said lands, shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, at the first term after filing of the said report, by proceeding in

form of petition to said court, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of the said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded, or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land, upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, or the amount found by the jury in case of an appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this State, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Essex, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender

Proviso.

Proviso.

thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized with their road to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise, at such point or points, or shall be constructed a viaduct at such a height as not to interfere with the passage of the trains upon such other railroad. Proviso.

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

12. *And be it enacted*, That the president and directors of said Orange Central Horse Railway Company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles, for the transportation of persons, 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 five cents per mile for each passenger, and ten cents per ton per mile for the transportation of every species of heavy merchandise and goods, as usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on such railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act, shall be and is declared a public highway and free for the passage of any railroad carriage thereon, with passengers or property upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description, in the formation of the wheels and length of axles, as those used by the company, and shall be regulated as to the time of starting and running, and rates of traveling by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall

May purchase equipments, &c.

Proviso.

Proviso.

pass, and all the works and improvements, and all other property whatsoever belonging to the company and their successors, for and during the continuance of the charter;

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

Dividends. 13. *And be it enacted*, That the president and directors may, within one year after the said railroad shall have been completed, declare and make such dividends of the net profits thereof among the stockholders as they may deem prudent and shall, in like manner, semi-annually thereafter declare such dividends and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively.

May purchase and hold real estate. 14. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate, at or near the commencement and termination of said road, and at such points along the line of said road, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereupon depots, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property, and the necessary uses appertaining to their business.

Penalty for injuring works, &c 15. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or works of said corporation, such person or persons shall forfeit and pay therefor to the corporation, three times the amount of damages sustained by means of

such injury, to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same.

Statement of costs and expenses to be made and filed.

16. *And be it enacted*, That as soon as the said railroad is finished, the president of the company shall file, under oath or affirmation, a statement of the amount of the costs of said railroad, including all expenses, in the office of the secretary of state, and annually thereafter, he shall, under oath or affirmation, make a statement to the Legislature of this State of the proceeds and expenses of said road, immediately thereafter the said company shall pay to the treasurer of this State, a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January.

State tax.

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

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build, construct or repair said road, and furnish the company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of, or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof.

Proviso.

May make contracts and engagements with any other company.

18. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

Act, how void.

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

20. *And be it enacted*, That the said company shall have

May connect with horse car railroad company.

power to connect with the Newark and Orange Horse Car Railroad Company upon such terms and conditions as shall be agreed on between them, and not inconsistent with their respective charters.

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

Approved March 29, 1871.

CHAPTER CCCXCII.

An Act to incorporate the Cape May County Agricultural and Horticultural Society.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Doolittle, John Voss, Thomas Townsend, Thompson Vangilder, Richard S. Leaming, William R. Smith, Thomas Beesley, Thaddeus Vangilder, Thomas R. Gandy, John Wilson, C. S. Magrath, A. M. V. Seigman and such others as may be associated with them be, and they are hereby created a body politic and corporate under the name of "The Cape May County Agricultural Association," and by that name shall sue and be sued, and generally possess the powers and privileges of a coporation.

Corporate name.

Capital.

2. *And be it enacted*, That the capital of said association shall not be less than five hundred nor more than five thousand dollars, divided into shares of five dollars each.

May establish by-laws.

3. *And be it enacted*, That the members of said association shall have the right at their first or any subsequent meeting, to establish such by-laws for the government of said association as they may deem proper, which shall not be inconsistent with the laws of this State or the provisions of this act.

Directors.

4. *And be it enacted*, That the members shall, from time to time, determine the number of their directors and officers, and shall clothe them with such powers, not inconsistent with the provisions of this act, as they may deem expedient.

Object.

5. *And be it enacted*, That the object of the said association shall be to provide, keep and maintain at South Seaville, in the county of Cape May, grounds and other real and personal estate, not exceeding in extent twenty-five acres, suitable for agricultural, floral and mechanical exhibitions; and that for the improvement of the breed of horses and cattle, the said association are authorized to hold exhibitions for the development of the speed, or other desired qualities; and to encourage and incite competition therein, they may offer and give premiums for superiority in the objects sought for; such premiums, however, not to exceed the surplus revenue of the association in any one fiscal year.

Shareholders entitled to one vote for each share.

6. *And be it enacted*, That at all meetings or elections held by said association each share shall entitle the holder thereof to one vote, and that at elections for directors members may vote by proxy.

Power to charge a fee for admission.

7. *And be it enacted*, That the said association shall have the right and power to charge a fee for admission for such exhibitions, the amount of said fee to be paid from time to time as the directors may deem proper.

May lease real estate.

8. *And be it enacted*, That the said association shall have power to rent or lease the whole or any part of their real estate for religious meetings or other purposes; during the exercises of said religious meetings, the directors shall have power to enforce any regulations of said religious society, not inconsistent with the laws of this State or the United States, or the provisions of this act.

May receive compensation for use of grounds.

9. *And be it enacted*, That the said association shall receive such compensation for the use of grounds as shall be deemed proper by the directors.

Profits to be divided.

10. *And be it enacted*, That so much of the profits of said association as may be deemed expedient by the directors shall be annually divided among the stockholders pro rata, but no dividend shall be declared which will impair the capital of said association.

Election of directors.

11. *And be it enacted*, That the directors shall be elected by ballot by the stockholders of the said association, at such time and place as a majority of the corporators named in the first section shall agree upon, after giving at least one week's public notice thereof in the newspapers published in the county of Cape May, and the directors elected at that time shall hold their offices until the last Saturday in Feb-

ruary of each year thereafter, at which time an election by members shall be held for the election of directors, who shall continue in office for one year, or until their successors shall have been chosen; said election shall be held at such time and place as the by-laws shall determine; the officers of said association shall be chosen by the board of directors from their own number, at a meeting to be held within ten days after said election.

Special meetings

12. *And be it enacted*, That special meetings of the members may be called by the board of directors at any time, or by the president at the request in writing of ten members, one week's notice being previously given the secretary as aforesaid.

Members.

13. *And be it enacted*, That any person subscribing and paying for one or more shares shall be a member, unless he transfers his stock, which he may do by having the transfer recorded by the secretary.

Empowered to subscribe for stock.

14. *And be it enacted*, That the directors of the society heretofore existing in Cape May county, shall be empowered to subscribe for stock, not exceeding in amount the profits arising from their last annual fair held at South Seaville; the said shares shall be vested in the present incorporated agricultural association of Cape May county.

Fees of admission not to confer authority.

15. *And be it enacted*, That any fees for privilege of admission to the grounds and premises, from any person or persons, shall not be construed to give any such person or persons any authority in the administration of the affairs of the association.

Power to prohibit gaming, &c., on their premises.

16. *And be it enacted*, That the association shall have the right and power to enact and enforce by-laws prohibiting gambling, betting, selling or using intoxicating drinks upon the premises, and to eject from the premises all disorderly persons violating the rules of the association.

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

Approved March 29, 1871.

CHAPTER CCCXCIII.

An Act to incorporate the Grand Lodge of the Knights of Pythias, of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Read, Charles W. Heisler, Anthony Phillips, Robert F. S. Heath, William B. French, James A. Parsons, Frederick L. Cobb, Daniel J. Pierman, John T. Tompkins, Thomas Brooke Joslin, James H. Pierson, A. W. Mayo, Benjamin C. Tatem, J. Wilson Cochran, Charles T. Campbell, William Smith, John M. Mayberry, Charles M. Herbert, and their associates, officers and members of the Grand Lodge of the Knights of Pythias, of the State of New Jersey, and their successors, be, and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "The Grand Lodge of the Knights of Pythias of the State of New Jersey;" and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding, and possessing any lands, tenements, hereditaments, and personal estate, purchased, devised, or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; *provided always*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal, or mixed, exceeding in value the sum of twenty-five thousand dollars. Corporators. Corporate name and powers. Proviso.

Approved March 29, 1871.

CHAPTER CCCXCIV.

A Supplement to the act entitled "An act to incorporate The Dover Aqueduct Company."

May acquire and hold lands and use all waters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Dover Aqueduct Company," after it shall be organized, to acquire and hold any lands upon which may rise or be found any springs or streams of water which may be conveniently used for the purposes of their incorporation, and also so much land adjacent to such springs and streams as may be necessary and proper to enable said corporation to keep said springs and streams clean and pure; and also to acquire and hold the perpetual right to take, divert, carry away and use for the purposes of their incorporation, any and all such springs and streams of water or any part thereof as may be necessary and proper for such purposes, and all such lands and perpetual rights to take, carry away and use for the purposes aforesaid, any such springs or streams, as against the owners thereof and all and every person or persons whose property shall be injured thereby, shall be acquired by said corporation, in the manner provided in the fourth and fifth sections of their act of incorporation and this supplement for acquiring the lands and rights therein mentioned.

Moneys to be paid into the circuit court.

2. *And be it enacted*, That all publications to be made under said act and this supplement, shall be sufficient if made in one of the newspapers published in Morris county, and any moneys which under said act are directed to be paid into the court of chancery shall be paid into the circuit court of said county for the use of the parties interested therein.

Proceedings in case of appeal from award of appraisers.

3. *And be it enacted*, That each party, in all cases, shall be entitled to an appeal from the award of the appraisers mentioned in said act, which shall be taken by petition of appeal made to the term of the circuit court of said county of Morris, next after the making of said award, and notice thereof to the party interested, and upon filing said petition

in said court, the same shall take jurisdiction of said appeal and proceed to try the same by a jury as other jury causes are tried, and shall have power to order a jury of view or a struck jury or both to try said appeal, and the right of said corporation to appeal from and dispute the correctness of any award shall not be waived or taken away by their paying or tendering the amount of the award and taking possession of the land or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding in said appeal, his, her or their cost of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachment for non-payment thereof.

May enter on lands to survey and locate works

4. *And be it enacted*, That said corporators shall be and they are hereby authorized to enter upon any and all lands in the vicinity of the village of Dover for the purposes of making all such preliminary surveys, levels and other examinations as shall be necessary or proper to enable them to properly locate works for supplying said town with water, thereby doing as little damage as possible to the owners of lands on which said preliminary investigations are made.

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

Approved March 29, 1871.

CHAPTER CCCXCV.

An Act to improve a portion of Palisade Avenue, in the county of Hudson.

Palisade avenue may be widened and improved.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that portion of the street now known as Palisade avenue, in the county of Hudson,

commencing where the said Palisade avenue intersects with the Paterson plank road, in said county, and terminating where the said Palisade avenue intersects with the Hackensack turnpike, in said county, may be widened and improved according to the provisions of this act.

Width of avenue.

2. *And be it enacted*, That that portion of the said Palisade avenue, from the points of commencement and termination, mentioned in the first section of this act, shall be widened so as to be eighty feet in width, by taking fourteen feet of land along the easterly line of the said avenue and adding the same to its present width; and the said fourteen feet of land taken from the township of Weehawken for the widening of said avenue shall thenceforth be a portion of the township of West Hoboken, and the land so taken shall be and become a portion of said avenue.

Land taken to be portion of West Hoboken.

May be graded, curbed, flagged, &c.

3. *And be it enacted*, That that portion of Palisade avenue mentioned in this act, after the widening thereof mentioned in the second section, may also be graded, curbed, guttered and flagged, and otherwise improved in the same manner that other streets are now by law improved in the township of West Hoboken, except as hereinafter mentioned.

Acts of township committee confirmed.

4. *And be it enacted*, That the action of the township committee of the said township of West Hoboken, already had with reference to the widening and otherwise improving of the said portion of Palisade avenue, be and the same is hereby confirmed, and the same shall be taken as a full and complete compliance with the terms, conditions and provisions of the act entitled "An act to divide the township of North Bergen, in the county of Hudson," passed February twenty-eight, one thousand eight hundred and sixty-one, erecting the township of West Hoboken, &c., and the supplements thereto, authorizing the said township committee to lay out, widen, curb, grade, &c., streets in the township of West Hoboken; and it shall not for the purposes of this act, be necessary for the said committee to take any further action with reference thereto, except as is specially hereinafter mentioned.

Commissioners to make assessments for damages and benefits.

5. *And be it enacted*, That the township committee of the township of West Hoboken, shall have the power to appoint three commissioners, who shall be freeholders, resident in the said township, who, after being duly sworn by the clerk of the said township to faithfully and impartially perform and discharge the duties of their office, which affidavit shall

be filed by the said clerk, shall proceed to take and lay out the said fourteen feet of land mentioned in the second section of this act, and the said commissioners shall, immediately after the said taking and laying out of the said fourteen feet of land, make an assessment of the damage the owner of any lands, including the tenements and improvements thereon, shall sustain by the said taking and laying out of the lands, including the tenements and improvements thereon, and such assessment shall be declared the just compensation for the same, and shall fully authorize the appropriations made therefor; they shall also assess the benefits accruing to each lot or parcel of land fronting on said avenue, by reason of said widening, and the whole cost of the taking of the land for widening, and of the proceedings thereto, shall be assessed upon the land and paid by the owners of the land and real estate fronting upon said avenue, in proportion to the benefit received by said land and real estate.

Commissioners to make return of laying out and amount of assessment on each owner of land.

6. *And be it enacted*, That the said commissioners, or a majority of them, shall make a return of the said taking and laying out, with the assessment mentioned in the fifth section of this act, which return and assessment shall particularly specify the amounts assessed in favor of or against the respective owners aforesaid, and which assessment shall be evidence of the several amounts which such owners shall be entitled to have and receive or be charged for benefit for and by reason of the said taking and laying out, and which said return and assessment shall be filed by the said commissioners, in the office of the clerk of the township of West Hoboken, and the said clerk shall give ten days' notice of such filing, in a newspaper published in the county of Hudson, and circulating in said township.

Proceedings in case any owner is dissatisfied with the assessment.

7. *And be it enacted*, That if any such owner or owners shall be dissatisfied with the assessment made by the said commissioners, such owner or owners shall, within twenty days after the return made as aforesaid, make a written application to the said township committee, stating the facts upon which such dissatisfaction is based, and the said township committee shall thereupon give ten days' notice of such application, and shall thereon set down a time and place of hearing the said dissatisfied owner or owners; and if the said committee shall be satisfied that said assessment is erroneous, they shall immediately appoint two other commis-

sioners to act with the former commissioners in making a new assessment, which two commissioners, shall be appointed and act in conformity to the fifth and sixth sections of this act; and when their return shall be made if any owner or owners shall be dissatisfied with the assessment made by said commissioners, and shall make application to the township committee in the time and manner aforenamed in this section of this act, then the township committee shall immediately proceed to review, and if they deem said assessment erroneous, they shall correct the same, and the decision of the said township committee shall be final.

Township committee empowered to issue bonds.

8. *And be it enacted*, That the said township committee shall have the power, and they are hereby authorized to issue the bonds of the said township for the payments of land and tenements so taken, as aforesaid, in the widening of the said portion of Palisade avenue, which said bonds shall become due and payable at the expiration of three years from the date of their issue, with interest coupons at seven per centum per annum, which said bonds the said township committee shall have the liberty of calling in and paying the same upon sixty days' notice to the holders thereof, and the interest thereon shall cease at the expiration of the said sixty days; and the amount of said bonds shall be included in the assessment, for the widening of the said street, as herein provided; and the said township committee shall have the power, and they are hereby authorized to sell the said bonds as they shall deem proper and shall take and use the moneys accruing from such sale, for the said payment of the lands and tenements so taken as aforesaid, in widening the said street, as herein provided; and they shall sell sufficient of said bonds to provide for payment to the owners for lands and tenements taken for said widening, for the assessment due to them; the township committee shall add to the assessments any loss that may accrue from the sale of said bonds, and shall thereupon immediately confirm said assessment, and upon said confirmation said assessment shall constitute a lien on the property for the amount of said assessment; the township committee shall thereupon pass an ordinance for the collection and settlement of the assessments and awards so confirmed; the collection of this assessment shall be enforced in the manner provided in the charter of the township of West Hoboken, and the supplements thereunto for the collection of assessments for street

Assessment to be a lien on property.

improvements; no certiorari shall be allowed or granted to set aside such assessment after thirty days shall have elapsed from the date of the confirmation of said assessment. No certiorari to be allowed.

9. *And be it enacted*, That upon the confirming the said assessment, for the value of lands taken and the damages thereby, the township treasurer shall tender and pay to the owner of said lands, if resident in the township, the amount of said assessment due to him; but if such owner is not resident in the township, 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 said treasurer shall make affidavit of such facts, and file the same with the township clerk; and the said town committee shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed 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 township committee, the said lands shall be vested in the township, and the township officers may proceed with such improvements, and the said moneys so deposited shall be paid by the township to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused. Treasurer to pay assessments to owners for lands taken, &c. Proceedings in case owner is incapacitated.

10. *And be it enacted*, That all expenses and costs of proceeding, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging and paving, for improvement on the said portion of Palisade avenue, as herein authorized, shall be assessed upon the land and paid by the owners of the land and real estate fronting upon the said improvement, in proportion to the benefit received by said land and real estate, except the intersection which shall be assessed, as is now provided for by law relating to assessments in the township of West Hoboken, and the whole assessment for the whole cost of the said improvement shall be made and collected in the manner now provided for by law in the matter of assessments, in the said township, except for the improvement on section three, as hereinafter mentioned. Expenses and costs to be assessed on owners of lands. Assessments, how collected.

11. *And be it enacted*, That immediately on the passage of this act, the township committee aforesaid shall appoint the commission mentioned in the fifth section of this act, and shall, immediately after the confirmation of their Commission to advertise for contracts for improvements.

report, advertise for contracts for the said improvements, as called for in a petition now before said committee, dated August seventeenth, one thousand eight hundred and seventy, and referred to in section four of this act; and the work shall be contracted for in three sections, as follows: section one, to be from the Paterson plank road to Barclay street; section two, to be from Barclay street to the centre of Washington street; section three, to be from the centre of Washington street to the Hackensack turnpike.

Contract and assessment for improvement of section three, how made.

12. *And be it enacted*, That the contract for the improvement of section three shall be separately given out, and the assessment for the whole cost of the improvement for such section shall be made separate from the other sections, but shall be assessed for its just proportion of incidental expenses.

Railroad tracks not to be laid unless approved by township committee and majority of land owners.

13. *And be it enacted*, That no other railroad tracks or turnouts shall be laid in or upon the said portion of Palisade avenue, than is at the date of the passage of this act laid, unless upon application to and approval by the said township committee, and the approval of the owners of a majority of the lands and real estate fronting on said portion of said Palisade avenue.

Repealer.

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

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

Approved March 29, 1871.

CHAPTER CCCXCVI.

An Act in relation to Streets in Union Township, in Union County.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of all that part of Union township, in the county of Union, comprised in the following boundaries, viz: beginning at the middle of the Salem bridge over Elizabethtown creek above John

Kean's Salem mills, and near the residence of E. Earl; thence southwesterly in a straight line to the point formed by the intersection of the easterly line of the Galloping Hill road with the southerly line of the Magie town road; thence along said easterly line of the Galloping Hill road southeasterly to the Westfield road; thence southeasterly across the Westfield road to the corner of Union and Linden townships and the city of Elizabeth; thence along the boundary line of the said township of Union and city of Elizabeth its various courses and distances easterly and northerly to the Newark road; thence northerly along the Newark road and the road to Newark known as the Upper road, and west of Evergreen cemetery, to a point opposite the southeasterly corner of the blacksmith shop at the junction of the roads at Lyons Farms; thence southwesterly, in a straight line, to the place of beginning, shall be and they are hereby created a body politic and corporate, to be called the "Southeasterly Road District of the township of Union, in the county of Union," for the purpose of laying out, opening and improving streets, roads, highways and public parks within the said boundaries, and for exercising the rights, powers and franchises conferred by this act, and shall be capable of suing and being sued and of having and using a corporate seal.

Corporate name.

2. *And be it enacted*, That there shall be a board to consist of five persons resident in the said district, to be called commissioners of public roads, whose duty it shall be to exercise the powers and duties herein conferred, and who shall have exclusive control over the roads and highways within the said district.

Commissioners of public roads and their powers.

3. *And be it enacted*, That it shall be lawful for the said commissioners, or a majority of them, and they shall have the exclusive power, to lay out streets, avenues and public parks within the said district, and for such purpose it shall be lawful for said commissioners, and all persons acting under their authority, to enter upon any lands; and they shall cause maps, plans and surveys to be made, from time to time, of the streets, avenues and public parks so laid out by them, and of the alteration or vacation of the same proposed by them, with the elevation of the several intersections of the streets marked thereon, together with such notes and explanations as may be necessary or desirable; before the said maps or plans shall be adopted by the said

Power to lay out streets, avenues and public parks, &c.

commissioners, they shall give ten days' notice in a newspaper circulating in the neighborhood, to all persons interested to inspect the same and make objections thereto, if they see fit, after which the said commissioners, or a majority of them, may proceed to amend or adopt the same; after the said maps and plans shall have been adopted by the said commissioners, or a majority of them, they shall cause the same, or a copy thereof signed by them, to be filed in the office of the clerk of the county of Union; and after being so filed, the same shall be final and conclusive as to all persons whomsoever; and whenever streets or highways or public parks shall be thereafter opened within said district, it shall be according to the lines laid down in said maps; the said commissioners shall have power, on the petition, in writing, of the owners of at least a majority in lineal feet along any improvement sought for, to open or improve any street, highway or park, and to cause sewers to be built, and for such purposes to take and appropriate lands and real estate necessary for such purpose, upon making compensation to the owner or owners thereof, and for such purposes the rights, powers, authority, privileges and advantages conferred by an act entitled "An act to revise and amend the charter of the city of Elizabeth," approved March fourth, one thousand eight hundred and sixty-three, and the several supplements thereto, upon the city council as to the opening and improving of streets, highways and parks, constructing sewers, and providing for the payment and collection of the costs and expenses thereof, be and the same are hereby conferred on the said commissioners, who are hereby authorized and empowered to have, hold, use, enjoy and exercise all such powers, subject to the regulations and provisions of said act, so far as the same are not modified by the provisions of this act; the said commissioners shall keep a record of their proceedings, and may employ a clerk, surveyor and such assistants as may be necessary; the determination of the board in reference to all public improvements shall be by resolution, to carry which, a vote of a majority of all the members shall be necessary; the notices required to be given shall be published in one or more newspapers circulating in the neighborhood, as shall be every year determined by the commissioners, and the expenses thereof shall be included in the costs and expenses of the appropriate improvements; the

commissioners shall have power, from time to time, to borrow money to pay for the costs, damages and expenses of said improvements, and to issue bonds of the said corporation therefor, and to cause assessments to be made on the property therefor, to be collected and paid in the manner provided in the act aforesaid; and they, or a majority of them, or such person as they may designate and appoint, shall discharge all duties required by said act to be discharged by any specified officer of said city; the commissioners to make estimates and assessments of costs, damages and expenses, as provided in said act, shall be appointed by one of the judges of the court of common pleas of the county of Union, on application to him for that purpose, on ten days' public notice in one newspaper at least, circulating in the neighborhood.

May connect sewers.

4. *And be it enacted*, That it shall and may be lawful for said board to connect any sewer to be built therein with any sewer built or to be built in the city of Elizabeth, upon making just compensation therefor, to be included in the whole amount of the costs and expenses of constructing said sewer so connected.

Compensation of commissioners &c.

5. *And be it enacted*, That the said commissioners shall receive for their services under this act the sum of three dollars per day for each day of actual service, and said amounts, together with clerks, surveyors and assistants' compensation, shall be included in the amount of the cost and expenses of each improvement.

Term of office of commissioners.

6. *And be it enacted*, That the term of office of said commissioners shall be five years, except as to the first commissioners, who shall, as soon as practicable before the twelfth day of April next, organize and decide by lot which one shall serve for one year, which one for two years, which one for three years, which one for four years, and which one for five years; and annually thereafter, on the last Monday in March, the legal voters resident in said district shall elect one person as commissioner, at an election to be held at such place in said district as said commissioners shall designate; said election to be held on the notice and under the provisions of the general election law of the State; the said board may fill all vacancies in their board until the next election, when a commissioner shall be elected for the unexpired term of such vacancy; and Joseph M. Bronson, Ogden Woodruff, John O. Magie, Noah Woodruff, David

Annual election.

J. Meeker shall be the first commissioners under this act, and that this act shall take effect immediately.

Approved March 29, 1871.

CHAPTER CCCCIV.

A Supplement to the act entitled "An act for the Improvement of Somerville," approved March twenty-fifth, one thousand eight hundred and sixty-three, by which supplement the boundaries of said town are extended.

Repealer.

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

Limits.

2. *And be it enacted*, That the limits of the town of Somerville, in the county of Somerset, for the purposes of this act, and the act to which this is a supplement, shall be as follows: beginning at the mouth of Peters' brook; thence running up the same the several courses thereof to the bridge in the old turnpike road; thence easterly along the southerly side of said road to a point in the same two hundred and fifty feet easterly of the southwest corner of the farm of Frederick Lyman; thence across said farm northerly and parallel with the west line thereof to a point which would be in the extension easterly of the rear or northerly line of the farm of William Ross, junior; thence westerly along said rear line to the northwest corner of said farm; thence still westerly in a straight line to the bridge on the Pluckamin road at or near Peter Van Deventer's tenant house; thence down the brook crossed by said bridge to Peters' brook; thence up the same the several courses thereof to a point where the easterly boundary line of the farm of the Rev. F. F. Cornell as formerly owned by Richard B. Duyckinck, crosses said brook; thence southerly down the easterly line of said farm to the Raritan river; thence down said river to the place of beginning.

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

Approved March 31, 1871.

CHAPTER CCCCV.

A Supplement to an act entitled "An act to equalize the payment of bounties in the township of Alexandria, in the county of Hunterdon," approved March seventeenth, one thousand eight hundred and seventy.

WHEREAS, the township committee of the township of Alexandria, in the county of Hunterdon, and the common council of the borough of Frenchtown, neglected and refused to raise by taxation within the time required by the act to which this is a supplement, the money as therein they were authorized and required; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Alexandria, in the county of Hunterdon, and the common council of the borough of Frenchtown, formerly a part of the said township of Alexandria, be and they are hereby authorized and required to raise by taxation at the next annual assessment of taxes in said township and borough, on the taxable property of said township and borough, and in proportion to the value of the real and personal property in said township and borough, to be collected as other taxes are now collected, a sum sufficient to carry out the provisions of the act to which this is a supplement. Township committee and common council authorized to raise a sum by taxation.

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

Approved March 31, 1871.

CHAPTER CCCCVI.

An Act to empower the chosen freeholders of the county of Union to build a drawbridge over the Rahway river in the city of Rahway.

Chosen freeholders empowered to build a drawbridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chosen freeholders of the county of Union be empowered by this act to build a drawbridge over the Rahway river on Milton avenue, in the city of Rahway.

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

Approved March 31, 1871.

CHAPTER CCCCVII.

An Act to enable the Trustees of School District Number Five, comprising School District Number Ten, of the Township of Lodi, in the county of Bergen, and School District Number Five, of the Township of Union, in the county of Bergen, to purchase land and erect a school house thereon, and to raise money to pay for the same.

Trustees authorized to purchase and hold land, and to erect school house.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number five, described in the title to this act, be and they are hereby authorized to purchase and hold in their corporate name, a suitable lot of land, and to erect thereon a building for the public school in said district, with the necessary fences, outhouses and conveniences, and to provide said school with proper furniture, apparatus and fixtures; and to pay the costs and expenses thereof, the

said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceeding ten thousand dollars in the whole, and to issue bonds in the corporate name of said trustees for the payment of the moneys so borrowed, with interest, as hereinafter provided; and that the bounds of said school district be so extended as to embrace all the territory now comprised in school district number ten, in the township of Lodi, and school district number five, in the township of Union, in the county of Bergen.

May borrow money and issue bonds.

Bounds of school district.

2. *And be it enacted*, That the bonds to be issued, as aforesaid, shall not exceed in the aggregate ten thousand dollars of principal, and shall be of such denominations as the said trustees shall deem proper, but not exceeding five hundred dollars each, and shall bear interest at the rate of seven per centum per annum, payable yearly or half yearly, as the trustees shall determine; and the sum of five hundred dollars of the principal of said bonds shall be made payable in each and every year after the date of the issue thereof; and the said bonds may be sold or disposed of by the said trustees at not less than their par value.

Amount of bonds to be issued.

Interest.

Bonds not to be sold less than par.

3. *And be it enacted*, That to provide for the said yearly payment of five hundred dollars of principal of the said bonds, and all interest accruing upon the same, it shall be the duty of the trustees of said school district number five to apportion the amount of money necessary to be raised for that purpose in each previous year, including the present year, among those portions of the said townships of Lodi and Union which are embraced within said district, in proportion to the estates and property of persons within said respective portions liable to be assessed and taxed for school purposes; and the said trustees shall notify, in writing, the assessor of each of said townships, before making his annual assessments, of the amount of money so apportioned to, and required to be assessed and raised in that year for the purposes of this act in that portion of said district within his township; and the same shall be assessed and levied, raised and collected in each year in the said portions of said school district, by the assessors and collectors respectively of the said townships embracing the same, and be paid over to the trustees of said district at the same time and in the same manner, and under the same liabilities as the other moneys

Trustees to apportion amount of money to be raised.

Duties of assessor and collector.

raised for said district are assessed, collected and paid, until all the bonds authorized by this act shall be paid and satisfied; and the moneys so to be paid to said trustees shall be appropriated to the purposes authorized by this act; and the taxable property within the said school district, and of the inhabitants thereof, in the proportion aforesaid, shall be and remain liable to assessment and taxation, from time to time, for the purposes and in the manner provided by this act, until all the bonds to be issued by virtue hereof shall have been fully paid and redeemed.

Property and inhabitants liable to assessment and taxation.

Portion of townships not liable for payment of bonds.

4. *And be it enacted*, That those portions of the townships of Lodi and Union, in the county of Bergen, embraced in the said school district number five, which heretofore composed a part of school district number two, in the county of Passaic, and which have been set off therefrom, shall not be held liable for the payment of any bonds authorized to be issued, and which may have been issued by virtue of a certain act entitled "An act to enable the trustees of school district number two, comprising part of the township of Aquackanonk, in the county of Passaic, and parts of the townships of Lodi and Union, in the county of Bergen, to purchase land and erect a school house thereon, and to raise money to pay for the same," approved March seventeenth, one thousand eight hundred and sixty-nine.

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

Approved March 31, 1871.

CHAPTER CCCCIX.

Supplement to an act entitled "An act to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren," approved March ninth, one thousand eight hundred and fifty-three.

Provisions of act extended to streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions contained in the tenth, eleventh and twelfth sections of the act to

which this is a supplement, in reference to sidewalks, is hereby extended to the streets; *provided*, that the proviso in said eleventh section shall not be applicable to said streets. Proviso.

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

Approved March 31, 1871,

CHAPTER CCCCX.

An Act to provide for and regulate Street Improvements in the township of East Orange, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township committee of the township of East Orange, and they are hereby authorized and empowered to make, or cause to be made by competent parties, a correct survey and map of the township, and from such survey to have made and prepared a proper record of the grade of those streets and avenues wherein a grade is already established; and also, with due regard to the natural water courses within the township, to fix and put on record, for the centre line of each of the public streets and avenues throughout the township, a grade, together with a profile of the roadway and sidewalks, that, in connection with properly constructed culverts of sufficient capacity, will keep the streets and avenues free from water at all times; the grades, unless sufficient reasons demand shorter distances, to be recorded every two hundred and fifty feet; the township committee shall also determine a radius for the curves in the curb at the street corners. Township committee empowered to make a correct survey and map of the township.

2. *And be it enacted*, That it shall be lawful for the township committee of East Orange to ascertain, establish and define the boundaries of all streets and highways in said township, and to prevent and remove all encroachments that may have been made or that may be made thereon; and also to order and cause any street, avenue or highway already laid out, or which may be hereafter laid out, or any part or parts thereof, to be vacated, straightened, altered or widened; Power to ascertain, establish and define boundaries, and to vacate, alter and widen streets and highways.

and to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof by the payment of damages, as is hereinafter mentioned and provided.

Notice of improvement, and time and place of meeting of committee to be published.

3. *And be it enacted*, That where any resolution shall be introduced to the township committee for making any such improvement as the vacating, straightening or widening of any street, avenue or highway, public notice of such contemplated improvement shall be given by the township clerk by publishing a copy of the proposed resolution for at least two weeks in a newspaper circulating in the township; that said notice shall also state the time and place at which the township committee will meet to proceed to the consideration of said resolution; that at such meeting full and ample opportunity shall be given to all parties in favor of or opposed to said improvement to present their views with reference to the same in writing or otherwise; and that the township committee may, in their discretion, adjourn from time to time for further consideration of the matter.

Map to be prepared.

4. *And be it enacted*, That any resolution which may be passed by the township committee for the vacating, straightening, altering or widening of any street, avenue, or highway, shall be accompanied by a map, to be prepared under the direction of the township committee, or to be accepted by them as soon as conveniently may be after the passage of the resolution; which map shall show the termini, courses and distances of the improvement, as the same are described in the resolution, and also the land and real estate to be taken therefor, and the name or names (as far as may be ascertained) of the owner or owners of such lands and real estate; and such map shall be filed with the township clerk.

Appointment and duties of board of assessments.

5. *And be it enacted*, That the township committee may and shall, from time to time, appoint and remove three commissioners of assessments, who shall constitute and be known as the "Board of Assessments;" that it shall be the duty of such board to assess damages in favor of any owner or owners of land and real estate that may be taken for or may be damaged by any such improvement as the vacating, straightening, altering or widening of any street, avenue or highway, or any part or parts thereof, and to assess such damages, together with the expense of such improvement, fairly and equitably upon the owner or owners of any lands and real estate on the lines of said street, avenue or high-

way, which, in the opinion of said commissioners, will be benefited by such improvement; *provided*, that any two of said commissioners shall have power to make any such assessment; and no commissioner shall act in any case where he is personally interested in the assessment to be made. Proviso.

6. *And be it enacted*, That as soon as may be after the passage of any resolution for the making of any such improvement, the expense thereof, including surveying, and a moderate allowance (to be estimated by the township committee) for the cost of making the assessment herein provided, shall be ascertained and determined by the township committee, and be entered upon their minutes; and the amount so ascertained and determined shall thereafter be treated as and held to be the true and actual expense of making such improvement; upon the passage of the resolution for making any such improvement, a copy thereof, attested by the township clerk, shall, without delay, be handed by him to some member of the board of assessments; and the said clerk shall also give public notice, for at least two weeks, in a newspaper circulating in the township, of the time and place, (the same having been appointed by the township committee), when and where the board of assessments will meet to assess damages and benefits, and the costs of making such improvement as aforesaid; and that the nature and object of such improvement shall be briefly stated in such notice, so as to identify the same; the board of assessments shall attend at the time and place specified, one member shall have power to adjourn the meeting, two members shall be a quorum for the transaction of business, and may make any assessment, if they shall agree; said board may adjourn from time to time; and it shall be their duty to give all parties affected by the improvement an opportunity to be heard upon the subject of the assessment, if they shall make known to said board their desire so to be heard; said board shall view the premises and shall have power to examine witnesses, under oath or affirmation, which may be administered by one of their number, and they shall assess such damages and benefits and expenses separately, and with due regard to the interests of all persons concerned, and shall certify their assessment to the township committee by a report in writing, signed by at least two commissioners; that said report shall be accompanied by a map, showing the

Expenses for improvement to be ascertained.

Notice to be given of meeting of board of assessments.

Power to examine witnesses under oath.

improvement, the lands and real estate taken therefor, and designating the lands benefited; such report and map may be considered by the township committee at any meeting, of which at least two weeks' previous notice shall have been given in a newspaper circulating in said township, and may be adopted and ratified by the township committee at that or any subsequent meeting, with or without alteration, as may to the said committee seem proper; and said report, when so adopted and ratified, with or without alteration, shall be final and conclusive upon all parties, except only in such matters wherein an appeal shall be taken as hereinafter provided: no notice to the owner or owners of any lands or real estate to be taken for such improvement, or to any person to be in any way affected by such improvement, shall be required, other than the notices hereinbefore specified.

Proceedings in case any person is aggrieved by any assessments.

7. *And be it enacted*, That any person or persons feeling himself, herself or themselves aggrieved by any such assessments for damages for any lands and real estate taken for or damaged by any such improvement, may appeal to the supreme court of this State at any time within thirty days after the final adoption of such report by the township committee; and that the supreme court shall thereupon order a trial by jury to assess such damages anew, and that such trial shall be conducted as in case of other trials by jury, but the township committee may proceed with such improvement as though such appeal had not been taken.

Township committee to pay to owners of lands amount of damages assessed.

8. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the township committee to pay or tender unto the owner or owners of any land and real estate taken therefor or damaged thereby as aforesaid, the amount of damages so assessed to him, her or them respectively; *provided*, that if such owner do not reside in said township, or upon due inquiry cannot be found therein by the township committee, or is a lunatic, or idiot, or is under age, or otherwise legally incapacitated, or will not accept such damages and sign a receipt therefor when tendered, then a proper affidavit of such fact shall be made and filed with the township clerk, and the township committee shall cause the amount of such damages to be placed on special deposit for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her or them when duly authorized to receive the same,

Proviso.

without interest; *and provided*, that no tender shall be necessary in any case where the benefits assessed against such owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor; and it shall be the duty of the township committee to cause an abstract of the report, after the same has been adopted and ratified, to be prepared and delivered to the township collector of taxes, who shall enter the same in a book to be kept in his office for that purpose, to be called the "Book of Assessments for improvements," and said collector shall then give notice for four weeks, in some newspaper circulating in said township, that said report has been delivered to him, and requiring payment of the several sums assessed against any owners of land and real estate for such improvement, within sixty days from the time of the first publication of said notice; and if any assessment shall not be paid within said period of sixty days, the said assessment shall draw interest thereupon from and after that time, at the rate of two per centum per month; and every assessment for any improvement for either benefits or expenses, shall be and remain a lien upon the lands and real estate so assessed therefor, together with the interest and all costs and fees thereon, notwithstanding any mistake in the name or names of the owner or owners, or omission to name such owner or owners; and no assessment shall be invalid because of any such mistake or omission, and the collection of assessments for any improvements provided for in this act may be enforced by a sale of the lands upon or in respect of which such assessment may be made in the manner which now is or may hereafter be provided by law. Proviso.

9. *And be it enacted*, That full records of all resolutions and orders shall be kept by the township clerk, who shall also cause to be filed and kept in his office, all reports and maps, affidavits and other papers relating to the proceedings hereinbefore provided for. Record to be kept.

10. *And be it enacted*, That it shall be lawful for the owners of any lands upon the lines of any street in the township of East Orange which may have been accepted by the township committee as one of the public roads of the township, to present a petition in writing to the township committee containing a request to have the whole, or a certain designated section of any such public street improved, by being graded and curbed, or by being graded curbed and Owners of land may petition to have streets curbed, graded, &c.

macadamized, or paved; upon receiving such petition it shall be the duty of the township committee to ascertain the length of the street, or section of a street designated in such petition, and also the number of lineal feet upon the lines of such street or section owned by the persons subscribing such petition; and if upon investigation it shall appear that the owners of three-fifths of the number of lineal feet upon the street or section designated in said petition shall have subscribed the same, and that such section (in case a section be designated) extends the length of an entire block, to wit: the distance from centre to centre, between two cross-streets, it shall be lawful for the township committee to order and cause the work requested in such petition to be done.

Improvements to be done by contract.

11. *And be it enacted*, That in case the township committee shall order and cause any street or section of a street to be improved under the provisions of this act, they shall proceed to make contracts, after having advertised for proposals, with one or more persons for the work called for in said petition; but in all cases the estimates, proposals and contracts shall designate separately the grading, the curbing, and the macadamizing or paving, and the price or cost of each respectively; and the township committee are hereby authorized to pay the cost of the grading out of the funds raised by tax in the township for road purposes.

Expenses and costs assessed on lands.

12. *And be it enacted*, That the entire cost of curbing and macadamizing or paving, and the expense of overseeing the work, shall be borne and paid by the owners of the lands along the lines of the street or section improved under the provisions of this act; and whenever the cost of such curbing and macadamizing or paving, and overseeing shall have been ascertained, the township committee, or a majority of them, shall make and sign an assessment of the entire amount of such cost and expense upon the lands along the lines of the street or section of a street so improved, pro rata, according to the number of lineal feet upon the lines of such street or section in the tracts or lots of the several owners respectively; and the township committee shall deliver a copy of such assessment when made, to the township assessor, who shall enter the same in his duplicate; and it shall be the duty of the township collector to collect the said assessment at the same time, in the same manner, and by the same means as the county and township taxes; and

every such assessment made in pursuance of this act is hereby declared to be a legal, valid and binding assessment against the owners and upon the property therein designated, and a lien upon the lands on which said assessment is made.

Lands exempted from taxes for road purposes.

13. *And be it enacted*, That all lands upon which any assessment shall be made by virtue of the provisions of this act shall be exempted from all township taxes for road purposes whatever, for the period of two years in case such assessment be made for curbing alone, and for the period of five years in case such assessment shall be made for curbing and macadamizing or paving; said periods to be reckoned from and after the payment of such assessment in all cases.

14. *And be it enacted*, That the term "curb," as used in this act, shall be deemed to include the setting of both curb and gutter stones.

Contracts, how executed.

15. *And be it enacted*, That in the making of all contracts under the provisions of this act, the township committee shall cause them to be prepared in the name of "The inhabitants of the township of East Orange, in the county of Essex," as a party thereto; and shall by resolution cause them to be executed by their chairman, and attested by the township clerk.

Township committee may borrow money and secure the payment of the same by bond, &c.

16. *And be it enacted*, That for the purpose of carrying into effect the provisions of this act, it shall be lawful for the township committee of said township to borrow money from time to time in the corporate name of said township, and to secure the payment of the same by bond, note or other instrument in writing, under the common seal of said township, in anticipation of the collection of the taxes and assessments; and every such bond under the common seal of the township, signed by the chairman of the township committee in pursuance of a resolution of said committee, shall be the valid obligation of said township; and the township committee may negotiate the same on the most favorable terms they may be able to make, with reasonable care and diligence.

Repealer.

17. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 31, 1871.

CHAPTER CCCCXI.

A Further Supplement to the act entitled "An act to incorporate Dover."

Power of common council.

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 town of Dover, whenever, in their opinion, the public good requires it, by ordinance:

To lay out, open, alter and widen streets.

I. To lay out and open new streets within their corporative limits, and to order and cause any street, road, highway or alley already laid out to be straightened, altered or widened; and to take and appropriate for such purpose any lands, upon making compensation to the owners thereof, as is hereinafter mentioned and provided;

To construct sewers.

II. To order and cause sewers or drains to be constructed in any part of said town, and, if necessary, to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

Notice of improvement to be published.

2. *And be it enacted*, That no ordinance shall be introduced or presented to the common council for making any improvement or performing any work, under and by virtue of the provisions of the first section of this act, or either of the subdivisions thereof, until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed, and to that end it shall be the duty of the street commissioner, by direction of the common council, to give notice in one newspaper printed and published in the county of Morris, by publication in said newspaper for at least three weeks successively, of the intention of the common council to cause such improvement to be made, or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing at the street commissioner's office, on or before the expiration of thirty days from the first publication of such notice, and at any time thereafter the com-

mon council may proceed to consider such ordinance as aforesaid.

Common council may purchase land and real estate.

3. *And be it enacted*, That whenever the common council of Dover shall determine, by ordinance, to lay out and open, to alter, widen and straighten any street, road, highway or alley, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same; and for the purpose expressed in such ordinance, they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the town of Dover, and such compensation shall form a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions of this act.

Commissioners to make estimate and assessment of damages.

4. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the common council of Dover to appoint five disinterested freeholders of the said town commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid such lands and real estate; and in estimating and assessing such damages the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid; and if in any case the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement; and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of this act.

Estimate and assessment to be binding on owners.

5. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in one newspaper published in the county of Morris, of the time and place of their first meeting, and the said commissioners, or a majority of

them, when met, shall have power to examine witnesses, under oath or affirmation to be administered by any one of said commissioners, to enter upon and view the premises, if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment, and file the same with the town clerk, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said common council shall cause the same to be converted and used for the purpose aforesaid; *provided*, 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 sixty 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 shall be conducted as in other cases of trial by jury.

Proviso.

Persons may sue for and recover damages of the corporate town.

6. *And be it enacted*, That in case of non-payment, on demand, of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from "The Mayor, Recorder, Aldermen and Common Councilmen of Dover," in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Treasurer to pay owners amount of assessment of damages.

7. *And be it enacted*, That the town treasurer shall, under the direction of the common council, tender and pay to the owner of such lands and real estate, if resident in the said town, the amount of such estimate and assessment of damages due to him, her or them; but if any such owner is not resident in the town, or upon due inquiry cannot be found therein, or is a lunatic, or idiot, or under age, or if for any other lawful cause he or she 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 town treasurer shall make affidavit of such facts and file the same with the town clerk; and the common council shall, after inquiry

into the facts of the case, direct the amount of such assessment to be placed in the town treasury for the use of the person or persons to whom it may be due; and the said money so placed in the town treasury shall be paid by the town to the person or persons entitled thereto, on demand, without interest, except for such time as the demand may be made and payment refused.

Assessment of damages and expenses to be assessed on owners benefited.

8. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of laying out, opening, altering, widening or straightening any street, road, highway or alley within the said town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and that in order to provide for the payment of the costs, damages and expenses of constructing any sewer or drain in any part of said town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the town of Dover.

Assessment to be made by commissioners.

9. *And be it enacted*, That the common council shall appoint five disinterested freeholders of said town, commissioners to make any such assessment, unless in the acts or proceedings of the said common council taken for the purpose of carrying out said improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damage sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work, as authorized in this act, in which case the same commissioners appointed as aforesaid, shall be the commissioners to make the assessment of the whole amount of the costs, damages and expenses of such improvement or work in the manner herein required.

Oath to be taken.

10. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required

of them, shall take and subscribe an oath or affirmation before the town clerk or the mayor of the said town, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

Commissioners to make a report.

11. *And be it enacted*, That the said commissioners shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same shall place the said report in the office of the town clerk for examination by the parties interested therein, and shall give notice in one newspaper printed and published in the county of Morris, which notice shall be published for two weeks successively, that such report has been deposited as aforesaid, and also of the time and place, when and where the parties interested can be heard by the said commissioners; and after hearing the parties the said commissioners shall proceed and complete the report and sign the same, and return the said report, with all objections, in writing, which shall be presented to and left with them, by any of the parties interested, to the common council.

Notice to be published of any objection made.

12. *And be it enacted*, That every certificate of assessment made as aforesaid, and presented to the common council, shall be referred by them to the proper committee for consideration; and in case of any objections in writing being returned with such report, the said committee shall publish a notice in one newspaper, printed and published in the county of Morris, which notice shall be published for two weeks successively, to the parties interested, of the time and place, when and where they will meet, to hear them on the objections and report; the said committee shall thereupon examine the matter, and report to the common council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the report.

Certificate of assessment when ratified shall be final and conclusive.

13. *And be it enacted*, That the common council shall thereupon examine the matter, and may correct said report and assessment if they deem proper, and ratify the same; and every certificate of assessment which shall be duly ratified by the common council shall be final and conclusive; or they may return such report and assessment to the said commissioners, who may have signed the same, and the like proceedings shall be had when the report is returned, as in the first instance.

14. *And be it enacted*, That in case of the resignation,

death or disability of one or more of the commissioners appointed under the provisions of this act, it shall be lawful for the common council to supply, by appointment, the vacancy or vacancies caused by such death, resignation or disability. Vacancy, how filled.

15. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, such certificate shall be delivered to the town treasurer, and on receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessment, and enter the same in a book to be kept for that purpose, and shall give notice in one newspaper printed and published in the county of Morris, which notice shall be published for two weeks successively, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of lands and real estate, assessed in such certificate, to pay the amount to him at his office within sixty days from the first publication of the notice. Notice of payment of assessment to be published.

16. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate, shall not be paid within the time appointed in the said notice, the common council of the said town may, as they shall deem proper, either bring an action on the case, in any court of competent jurisdiction, in the name of the Mayor, Recorder, Aldermen and Common Council of Dover, against the owner or owners of such lot, tract or parcel of land and real estate, 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 either party, from any judgment rendered therein, may have the same remedy by appeal or otherwise, as if said parties were private individuals, or may order and direct the town treasurer to collect such assessment by public sale at auction of the lands and real estate whereon such assessment has been imposed or may be a lien, and the same is hereby declared to be a lein upon the land, &c., upon which the same is so assessed, until paid or otherwise discharged by law. For non-payment of assessment action may be brought against owner. Assessment to be a lien.

17. *And be it enacted*, That when the common council shall order and direct the town treasurer to collect any assessment or assessments upon any lands and real estate remaining unpaid, the treasurer shall prepare a transcript of such assessment, including in such transcript a brief descrip- Treasurer to prepare transcript and collect assessments.

tion of the improvement or work for which such assessment or assessments was or were made, the names of the owners, if any be given, of such lands and real estate, the description thereof, specifying the street, road or avenue on which such lot, tract or parcel of land and real estate fronts, on which side thereof, and near or between what streets it may lie, and the amount of assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after completing such transcript, he shall cause a notice to be published in one newspaper printed and published in the county of Morris, stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale, according to law.

Treasurer to collect by public sale.

18. *And be it enacted*, That after the expiration of the said twenty days, it shall be the duty of the said treasurer to collect the taxes or assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and real estate whereon said taxes or assessments have been imposed, or may be a lien.

Power to alter grade of any road or street.

19. *And be it enacted*, That the said mayor, recorder, aldermen and common councilmen of Dover, shall have power, by ordinance, to regulate and alter the grade of any road or street within the corporate limits, and whenever they shall desire so to do, they shall cause a profile map to be made of such road or street, or so much thereof as shall be proposed to be altered in its grade, which map shall show the proposed new grade, and shall give ten days' notice by publication in one newspaper in the county of Morris, of the time and place of meeting of their committee on streets, to hear objections and suggestions as to such proposed change of grade, which the said committee is hereby authorized to hear, and which meeting may be adjourned from time to time, and said committee, after hearing such objections and suggestions, shall make a report to the common council, who shall then have power to act thereon, and pass such ordinances in the premises as they shall think best.

Commissioners to be appointed if persons are aggrieved by any alteration of of grade.

20. *And be it enacted*, That after the grade of any street shall be altered by virtue of any such ordinance, it shall be the duty of the common council, on the application, in writing, of any land owner who shall think himself or her-

self aggrieved or injured by such alteration, to appoint five disinterested freeholders of said town, commissioners to make an estimate and assessment of the damages that any and each owner of land lying on said street whose grade has been so altered, has sustained by reason of such alteration.

Oath to be taken.

21. *And be it enacted*, That such commissioners, before entering on the execution of the duty of their appointment, shall severally take and subscribe an oath or affirmation before the mayor or town clerk of said town, to make such estimate and assessment fairly and impartially, according to the best of their skill and judgment.

Commissioners to make a true estimate and appraisement.

22. *And be it enacted*, That the said commissioners shall give ten days' public notice, by advertisement in one newspaper printed and published in the county of Morris, of the time and place of their first meeting; and said commissioners, or a majority of them when met, shall have power to examine witnesses under oath or affirmation, to be administered by any one of said commissioners, to enter upon and view the premises alleged to be injured by such alteration of grade, and to adjourn from time to time; and shall make a just and true estimate and assessment as aforesaid, and make a certificate of such estimate and assessment, and file the same with the town clerk, and it shall be binding and conclusive on the parties, as well the land owners as the common council, but any party interested, and also the common council may appeal from the finding of such commissioners in the case of any land owners whose case is presented to and passed upon by the commissioners, within thirty days from the time of filing such certificate, and the supreme court shall thereupon order a trial, by jury, to re-assess the damages in the case or cases appealed from.

Certificate to be filed.

Common council may appeal.

Damages to be assessed on lands benefitted.

23. *And be it enacted*, That when the total amount of damages shall have been ascertained by virtue of the proceedings hereinbefore provided for, the means to pay the same shall be provided for by assessment upon all the lands and real estate which shall be benefitted by such change and alteration of grade, the same to be levied and assessed in proportion to the benefit each piece or parcel of land shall receive therefrom, and the amount levied and assessed upon any piece or parcel of land shall not exceed the benefit received by it; and the common council shall appoint four

Commissioners to be appointed.

disinterested freeholders of said town, commissioners to make such assessment and levy, who shall be sworn and proceed in all respects the same as hereinbefore provided for in the case of the commissioners to assess the damages and there shall be the like right of appeal from their certificate of assessment and levy.

Assessments to be a lien until paid.

24. *And be it enacted*, That the certificate last mentioned shall be final and conclusive upon the parties, unless appealed from within thirty days from its filing with the town clerk; and an appeal from the assessment and levy as to any one or more pieces or parcels of land shall not affect the assessment in other respects, and the amount assessed and levied on each piece or parcel of land, shall, from the time of its being filed with said town clerk, be a lien on such pieces or parcels of land, until paid or otherwise discharged by law.

Power to collect by action at law.

25. *And be it enacted*, That the common council shall have power to collect such levy and assessment by suit at law against the owner of the piece or lot of land upon which it is levied, or by sale of the same to pay such assessment, or by both of these proceedings.

26. *And be it enacted*, That in case of a suit at law to recover such assessment, the action shall be for money paid, laid out, and expended for the use of the owner of said piece or lot of land, and the declaration shall be general, and at the trial the special matter shall be given in evidence in support of such action.

Lien to be enforced by sale.

27. *And be it enacted*, That the lien by this act declared and imposed upon any piece or lot of land assessed for any or either of the purposes hereinbefore mentioned and provided for, shall and may be enforced by sale thereof, at public auction, to be made by the town treasurer, which sale shall be advertised and conducted in all respects the same as are sales of land by sheriff by virtue of executions, except that advertisements in one newspaper shall be sufficient, and said treasurer shall have power to adjourn said sale, and re-advertise said premises to the same extent and in the same manner that a sheriff or master in chancery now has on sales under execution; and such sale shall be for the lowest term of years for which any person who bids will take the said piece or parcel of land and pay the said assessment, with the interest, costs, fees and charges and expenses of sale, which shall be the same as are allowed the sheriff in

sales upon executions, excepting per centage; and the said treasurer shall make out and deliver to the purchaser a deed for the same, which may be acknowledged and recorded as other deeds, and no title under such sale shall be held invalid by reason of any defect or informality which would not invalidate a sheriff's sale, and no sale shall be invalidated by reason of any error or mistake in the amount due on the assessment and levy under which it is made, or for any overcharge of costs, fees, charges or expenses thereof, (but the treasurer shall be liable in damages to the party aggrieved for any such overcharge,) nor any irregularity of the common council in preliminary proceedings in the matter.

Treasurer to make out and deliver deeds to purchaser.

28. *And be it enacted*, That no proceedings to sell under the foregoing provisions shall be taken until after the said certificate of assessment and levy shall have been on file thirty days with the town clerk, nor until after the town treasurer shall have advertised that the same has been on file, for two weeks in one newspaper published in the county of Morris.

No proceedings to sell shall be taken until certificate be filed.

29. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate sold as aforesaid, for any assessment under the provisions of this act, may redeem the same at any time within three years from the time of such sale by paying to the town treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money, with interest thereon at ten per centum per annum; upon the receipt of such money by the town treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine.

Owner or mortgagee may redeem lands.

30. *And be it enacted*, That the said common council shall have power by ordinance to cause to be raised the sum of five thousand dollars in each year, or so much thereof as they may think necessary for the expenses of said town in addition to the road taxes received from the township of Randolph; and to whatever sum the said common council shall so ordain to be raised by tax shall be added and assessed by the assessor, and collected by the collector, fifteen per centum upon the amount so ordained to be raised.

Council may by ordinance raise money.

31. *And be it enacted*, That it shall and may be lawful for the said common council of Dover, to impose a tax upon the owners of dogs, within the limits of the corporation of Dover,

Tax on dogs.

not exceeding three dollars for each dog in each year, and the harboring a dog or dogs shall be evidence of ownership for the purpose of such taxation, and the tax so imposed on the owners of dogs shall be assessed and collected at the same time that other taxes are assessed and collected, and shall be in addition to the amount which the said common council are authorized to raise by general taxation.

Temporary loans may be raised.

32. *And be it enacted*, That the said common council shall have power to pledge the credit of said corporation by promissory note of the mayor or otherwise for the purpose of raising temporary loans to meet the current expenses thereof; *provided*, that no such loan shall be made or raised before the first day of April in any year, nor to a greater amount than five thousand dollars in any one year, which amount so raised by temporary loan shall be first paid out of the taxes first thereafter raised by said corporation.

Proviso.

Limits and boundaries.

33. *And be it enacted*, That the limits and boundaries of the town of Dover as set forth in the act to which this is a further supplement, shall be so changed as to conform to the following description, that is to say: beginning at a stone bridge in the road near the house of Mahlon Munson; thence in a straight line to the road to Walnut Grove, including the house of John Conrod; thence in a straight line to the junction of Wallace and Jackson brooks, passing near the Lawrence farm house; thence in a straight line to the road to Union Hill in front of the old Catholic church; thence in a straight line passing by and including the house of Sylvester Dickerson on the Dover and Sparta turnpike, to the division line between the townships of Randolph and Rockaway; thence along said division line in an easterly direction to a point in said line near the scale house of the Swedes line; thence in a straight line including said scale house and the most northwesterly house upon the property of Thomas Oram, to the stone bridge in the road to Morristown between the houses of Robert and Thomas Oram; thence in a straight line to the stone bridge the place of beginning.

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

Approved March 31, 1871.

CHAPTER CCCCXII.

An Act to incorporate The Warren Mutual Live Stock Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward H. Bird, James M. Kennedy, Absalom Pursell, Jacob S. Hawk, John Cole, Henry D. Rush, John J. Hulshizer, George B. Hawk, George W. Zetter, John S. Robins, Lefford H. Pursell, Isaac C. Stewart, Hadoram Mettler, William S. Carpenter and George B. Winter, and others, their associates, successors and assigns, shall be and they are hereby ordained, constituted, appointed and declared to be a body politic and corporate by the name of "The Warren Mutual Live Stock Insurance Company," for the purpose of insuring the lives of horses, cattle and all other live stock, and to make all and every insurance appertaining to or connected with the life risk of animals, and to insure against all hazards or risks by which the owner or owners of such animals or stock, or the person or persons having an insurable interest therein, shall in any manner be deprived of the possession, enjoyment, use or value thereof, and contracts of insurance may be made on such terms and conditions, and for such periods of time, and confined to such live stock or animals as shall, from time to time, be ordered and provided for by the rules, by-laws and regulations of the company for the purpose of said corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company, and may have a common seal, and alter and renew the same at pleasure; also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of the said company, and to put the same into execution; *provided*, that they be not contrary to the laws of this State or of the United States.

Corporators.

Corporate name.

May make by-laws, &c.

2. *And be it enacted*, That all persons who shall insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in the

All persons insured shall become members.

same as hereinafter provided for, shall thereby become members thereof during the period they may remain insured by said corporation, and no longer.

Directors.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by fifteen directors, who shall continue in office for one year, and until others shall be chosen in their place, all of whom shall take an oath or affirmation of office, and choose out of their number a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business.

Vacancies, how filled.

Directors and their election.

4. *And be it enacted*, That Edward H. Bird, James M. Kennedy, Absalom Pursell, Jacob S. Hawk, John Cole, Henry D. Rush, John J. Hulshizer, George B. Hawk, George W. Zetter, John S. Robins, Lefford H. Pursell, Isaac C. Stewart, Hadoram Mettler, William S. Carpenter and George B. Winter, shall be the first directors of said corporation, and that annually thereafter a board of directors may be elected at such time and place in the township of Greenwich, county of Warren, State of New Jersey, as the association in their by-laws shall appoint; of each election due notice shall be given in at least one of the public newspapers printed in said county, and circulating in said township, for two weeks immediately preceding such election; and it shall be the duty of the board of directors to appoint a committee of three of their number to be inspectors of such election, and to count the votes that may be given in, and declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member of said company at the time of such election; and it shall be the duty of such inspectors or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

May appoint officers.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as

may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured and the sum to be deposited for any insurance.

Policies or contracts binding on company.

6. *And be it enacted*, That all policies or contracts founded thereon which shall be made under the seal of the said corporation, and shall be subscribed by the president and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damage sustained, agreeable to, and on such terms and conditions as shall be contained in the policy.

May take premium notes for insurance of assessments, &c.

7. *And be it enacted*, That it shall and may be lawful for the officers of the company to take notes or obligations of the members for the amount, either in part or whole, of the premium of insurance, in proportion to the amount insured; and if at any time it shall so happen that there shall be just claims on the company for losses sustained to a greater amount than it has funds on hand to discharge, in such cases the directors, or a majority of them shall, with all convenient speed, proceed to assess such deficiency in a ratable proportion on the members of the company, or their legal 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, which rates of assessment shall be approved by a majority of the directors; and notice in writing shall be given to each member or his legal representative of the assessment and amount by him, her or them required to be paid; and each and every member, or his legal representative so notified, shall pay the same to the treasurer for the time being, within thirty days after such notification, and in default thereof shall forfeit all right and claim to any policy he may have obtained, and be no longer a member of the company, and shall also be liable for the amount of such assessment, with interest, to be recovered by action, with costs of suit, before any court of competent jurisdiction.

Proviso.

Grantees or alienees of any policy to be entitled to all rights.

8. *And be it enacted*, That when any property insured by said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled, and upon such surrender, the assured shall be entitled to receive his note or notes upon the payment of his proportion of all losses, risks and expense that have accrued prior to such surrender; but the

grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit on application to the directors, with their consent, within thirty days after such alienation, on giving proper security to the satisfaction of said directors, and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy insured was entitled and subjected.

Estimate to be made of profits and losses.

9. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued, or within one month thereafter and within one month of every subsequent year, shall cause an estimate to be made of the profits or losses and true state of the affairs of said company to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profits as hereinafter mentioned.

Certificates of premiums.

10. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business, in proportion to the amount of premiums paid by him; but no person shall be entitled to a certificate for premiums that occasion loss, and no certificate shall be issued for the fractional parts or sums between even tens of dollars; but all such fractional parts shall be passed to the contingent account of said company and applied to the payments of said company.

Cash earnings to be applied to payment of certificates.

11. *And be it enacted*, That when the cash earnings on hand shall exceed twenty-five per centum of the amount of the risks, the company is liable for, at any annual meeting, the excess may be applied to the payment of the certificates in such manner as the directors may determine.

Suits at law may be maintained against members for collection of deposit notes, and against corporation for losses.

12. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes, or any part thereof, or for any other cause relating to the business of said company; also suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses, if payment be withheld more than four months after the company are duly notified of such loss or damages, and no member of the corporation, not being in his individual capacity a party to such suit, shall be incom-

petent as a witness in any case on account of his being a member of said corporation.

13. *And be it enacted*, That special insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured. Special insurance.

14. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurances to the amount of five thousand dollars.

15. *And be it enacted*, That the operations and business of said company shall be carried on and conducted at such place in the township of Greenwich aforesaid, as shall be designated by a majority of the directors at their first regular meeting in every year. Place of business.

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

Approved March 31, 1871.

CHAPTER CCCCXIII.

A Further Supplement to "An act to incorporate the Newark, Bloomfield and Montclair Horse Car Railroad Company," approved February twelfth, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of any sale and conveyance which have been or may be made of said road under and by virtue of any decree or decrees, of the court of chancery of this State, and execution or executions issued thereon to satisfy any mortgage, debt or debts, or under and by virtue of any power of sale contained in any mortgage, trust deed, or other instrument made and executed by virtue of the seventeenth section of the act to which this is a supplement, such sale and conveyance duly made and executed shall be deemed and taken to vest in the purchaser or purchasers thereof, all the right, title, interest, property, possession, claim and demand in law and in equity, of the mortgagors or grantors in any such mortgage, trust deed or Purchasers vested with all rights, &c.

other instrument, of, in and to the said road with its appurtenances; and also of, in and to the corporate rights, liberties, privileges and franchises of the said corporation, but subject to all the conditions, limitations, restrictions and penalties of the said corporation of and concerning the same; and such purchaser or purchasers and his and their associates, not less than fifteen in number, shall thereupon become a new body politic and corporate, in fact and in law by the name of the aforesaid corporation, and shall be deemed and considered the stockholders of the capital stock of such new body corporate, in the ratio of the amount of purchase money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges and franchises, and be subject to all conditions, limitations restrictions and penalties of and concerning said road so sold and conveyed, which were contained in said act and the supplement thereto, so far as the same were in force at the time of such conveyance.

Shall become a body corporate.

Amendment.

2. *And be it enacted*, That the second section of the supplement to said act, which was approved on the ninth day of April, one thousand eight hundred and sixty-seven be amended by striking out the word "three" and substituting therefor the words " not more than two"

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

Approved March 31, 1871.

CHAPTER CCCCXIV.

A Further Supplement to the act entitled " An act to incorporate the Passaic Water Company," approved February thirteenth, one thousand eight hundred and forty-nine.

Preamble.

WHEREAS, a portion of the city of Paterson cannot be adequately supplied with pure and wholesome water without the construction of new and expensive works, involving a large outlay and expense; therefore,

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

Passaic Water Company to construct such new water works as may be necessary to supply the whole city of Paterson with pure and wholesome water, and that for this purpose they shall possess all the rights, powers, privileges and franchises heretofore granted to the said The Passaic Water Company, and the several supplements thereto. Power to construct new water works. Powers.

2. *And be it enacted*, That it shall be lawful for the said Passaic Water Company to increase the amount of their capital stock to any sum not exceeding seven hundred and fifty thousand dollars. May increase capital stock.

3. *And be it enacted*, That it shall be lawful for the Passaic Water Company, for the purpose of constructing such new and additional works for the supply of the citizens of Paterson with pure and wholesome water from time to time to borrow such sum or sums of money as may be necessary to construct and complete the works of the said company, with all the necessary reservoirs, pipes and appendages thereto authorized by the act to which this is a further supplement, and to issue their bonds at such rates of interest as may be stipulated, and sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is hereby granted to the said company to pledge by way of trust, mortgage or otherwise the new and additional works so as aforesaid to be hereafter constructed for the supply of said city with water, with all their privileges and appendages and appurtenances, and also all the franchises and chartered rights pertaining to such additionally to be constructed works of said company, and such pledge, hypothecation, trust and bond, and mortgage shall be valid in law for securing the payment of any sum or sums of money 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 representatives, successors or assigns claiming under such pledge, hypothecation, bond, mortgage or trust, may, by due process of law, acquire the title to have, hold, use, occupy and enjoy the said new and additional water works so to be constructed, with the privileges, appendages and appurtenances to the same belonging, and to take and receive the tolls, rents, issues and profits, and advantages thereof during the whole residue of the term for May borrow money, issue bonds and pledge the same by mortgage.

which 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, 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 clerk's office in the county of Passaic, the same having first been acknowledged according so law.

May purchase and hold lands for retaining and storing water.

4. *And be it enacted*, That it shall be lawful for the Passaic Water Company to purchase and hold any land or lands adjoining their reservoirs in the city of Paterson, or which may be necessary for their reservoir or reservoirs for the purpose of retaining and storing water, that they may deem expedient and necessary for their use or ornament of their works, and may bargain, and sell, and convey the whole or any portion of said lands by a vote of the majority of the directors of said company, and may execute a mortgage for the purchase money of said lands when so purchased.

May cancel stock and execute and deliver bonds therefor.

5. *And be it enacted*, That it shall be lawful for the said company, upon obtaining the consent, in writing, of all its stockholders, to call in, receive and cancel any part of its capital stock not exceding one-half of the amount now issued, and thereupon to execute and deliver to any stockholder of said company who shall so surrender any part of his said stock to be cancelled, the bonds of the said company to an amount equal to the stock so surrendered, which bonds shall be of the denomination of five hundred dollars, and payable in twenty years from the issuing thereof, with interest at the rate of seven per centum per annum, with interest coupons annexed, payable half-yearly.

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

Approved March 31, 1871.

CHAPTER CCCCXV.

A Further Supplement to an act entitled "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed the fifteenth day of March, one thousand eight hundred and thirty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for said company to increase their capital stock to the extent of ten thousand additional shares, and that this act shall take effect immediately. May increase capital stock.

Approved March 31, 1871.

CHAPTER CCCCXVI.

An Act to incorporate the Bergen Masonic Building and Loan Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George B. Edwards, Theodore F. Hay, Thomas C. Bailey, David W. Palmer, John Kennard, Elias B. Requa, Charles F. Case, Henry A. Thomas, Benjamin M. Franks and William Brinkerhoff, and their successors, free and accepted masons of the State of New Jersey, be and they are hereby created a body politic and corporate, in fact and in law, by the name of the "Bergen Masonic Building and Loan Association," for the purpose of purchasing land in the county of Hudson, and erecting thereon a building and hall, and such other buildings or out buildings as the said corporation may by their trustees decide upon, and for the transaction of such business as may be necessarily connected with the purchasing of land and erecting, building, conducting, leasing, or other- Corporators. Corporate name.

wise disposing of such building and hall and other buildings, and for that purpose the said corporation shall have power to purchase, take, receive, have, possess and enjoy all such lands, tenements, property, goods, chattels and effects as may be required for the purpose of said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, encumber and dispose of at their will and pleasure.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of fifty dollars each, which shall be subscribed and paid in at such times, and in such amounts, and in such manner, as the trustees of the said corporation by their by-laws may direct and appoint; and in case of failure by any subscriber to pay his or their instalments at the time and place appointed by the said by-laws for the payment thereof, such subscriber shall, at the option of the trustees of said corporation, incur a forfeiture of his or their share or shares, and of all previous instalments thereon, for the use of said corporation.

Shares of stock to be transferable.

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

Board of directors.

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

Proviso.

May invest their money in public stocks.

5. *And be it enacted*, That the said corporation may invest the money left with them as subscriptions to the capital stock, or such other money as may come into their possession, in no other public stocks than such as are created under the laws of the United States, or of the States of New Jersey, New York, Pennsylvania, or in the stocks or bonds of either of the cities or counties of the State of New Jersey; nor in bonds and mortgages, except on unincum-

bered real estate, worth at least double the amount of the sum invested; the said corporation may also purchase bonds secured by mortgages and dispose of them at pleasure.

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

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

Approved March 31, 1871.

CHAPTER CCCCXVII.

A Further Supplement to an act entitled "An act to incorporate the Jersey City and Bergen Railroad Company," approved March fifteenth, one thousand eight hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City and Bergen Railroad Company are hereby authorized and empowered to lay, maintain and operate a single or double track horse railroad (in continuation of said company's railroad now laid), from Grove street, in Jersey City, in Montgomery street, and through Montgomery street, westerly from Grove street, to the point where said street ends, on Bergen Hill; and thence still westerly through an avenue called Western avenue, or such other street as may be opened in continuation of Montgomery street to West Side avenue, and thence through West Side avenue to the New Jersey Railroad, at or near the watch factory; *provided, however*, that when said track shall be laid through said streets, the said company shall be required to keep in good order and repair, but not to pave, that portion of said streets within the rails of said track or tracks, and eighteen inches outside thereof, as is required in the charter of Jersey City in regard to all horse railroads within the limits of said city. Empowered to lay, maintain and operate single or double track. Proviso.

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

Approved March 31, 1871.

CHAPTER CCCCXVIII.

An Act to amend "An act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey," approved March tenth, one thousand eight hundred and sixty-nine, and the several supplements thereto.

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 city of Bayonne, in the county of Hudson, and State of New Jersey, be and the same is hereby amended as follows:

Amendment. I. Amend section three by striking out of said section the words, "and the superintendent of schools for the term of one year;"

Amendment. II. Amend section six by striking out of said section the word "white," and inserting after the words "and of the city thirty days" the words "and of the ward twenty days;"

Amendment. III. Amend section nine by inserting therein after the words ("except in the office of mayor, recorder or councilmen") the words, "or in the board of education" so that said exception will read as follows, ("except in the office of mayor, recorder or councilmen, or in the board of education;")

Amendment. IV. Amend section nine by adding thereto the words, "but any vacancy occuring in the board of education in any manner whatsoever shall be filled by a majority vote of its own body elect, until the last Monday of April next ensuing; at the next charter election after the said vacancy occurs in said board of education, there shall be elected a school trustee for the remainder of the said unexpired term, and his term of office shall commence on the expiration of the term of office of the person so appointed by said board of education."

Amendment. V. Amend section twenty-two by striking out the word "ten" wherever it occurs in said section and inserting in lieu thereof the word "twenty;"

VI. Amend section thirty-nine by adding thereto these words, "and the said bonds or stocks may be sold at public or private sale, or paid to contractors, at not less than ninety-five per centum of their par value, at such times and in such amounts as directed by resolution of the board of councilmen; and for the purpose of paying said bonds or stock and the interest thereon as the same may become due, the mayor and council of the city of Bayonne are hereby authorized to assess and collect annually a tax sufficient to pay the interest thereon each year, and to constitute a proper sinking fund for all or any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act, and the collector of revenue shall collect and pay the same to the city treasurer and enforce the payment thereof in the same manner as other taxes, and said tax shall be kept separate and distinct from all other taxes;" Amendment.

VII. Amend section three by striking out of said section the words, "two or more city surveyors," and inserting in lieu thereof the words, "one or more city surveyors;" Amendment.

VIII. Amend section seventy by adding thereto the words, "and the board of councilmen in reference to any tax or assessment due to the former township of Bayonne may sell the lands, tenements or real estate upon which the same was assessed or is a lien in the manner prescribed in sections forty-six and forty-seven of said act, and all the powers and provisions of sections forty-six, forty-seven, forty-eight and forty-nine of said act, shall be applicable to the said taxes and assessments due to the former township of Bayonne the same as if the terms of said sections had been made specially applicable thereto." Amendment.

2. *And be it enacted*, That section sixty-seven of an act entitled "An act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey, be amended so as to read as follows: "that the petition filed, praying for any improvement contemplated by this act, and the ordinance in reference thereto, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue, but the commissioners of assessments shall return a separate map and report for such of said improvements embraced in said petition or ordinance as may be directed by resolution of the board of coun- Amendment.

cilmen, and in all other cases they shall return one map and report for all of said improvements embraced in said petition or ordinance."

Amendment.

3. *And be it enacted*, That section two of an act entitled "An Act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey," be amended so as to read as follows: "that the said city shall be divided into three wards in the manner following, to wit: all that portion of said township south of the centre line of Linnet street, extended southerly and easterly to Kill von Kull, and northerly and westerly to Newark bay, to constitute the first ward; and from said line northerly to, and including two hundred and thirty feet north of the northerly line of Huron avenue, and parallel with said avenue from New York bay to Newark bay, to constitute the second ward; and all that portion of said township north of said boundary line to constitute the third ward of said city; and these divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the passage of this act, to revise, and if in their judgment it is necessary, alter said divisions or increase the number of said wards."

Amendment.

4. *And be it enacted*, That section seventy-four of an act entitled "An act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey, be amended so as to read as follows: "That the mayor and council are hereby authorized and empowered, for the purpose of purchasing sites for parks, markets, school houses, public buildings and wharves in said city, and for the purpose of erecting on said sites suitable buildings or wharves, or other structures thereon;" in addition to the powers conferred by "A further supplement to an act entitled 'An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson," approved the sixteenth day of March, one thousand eight hundred and fifty-seven, which said supplement was approved April seventh, one thousand eight hundred and sixty-eight, to issue, in the name of the mayor and council of the city of Bayonne,

May issue coupon bonds.

coupon bonds, to be denominated on the face thereof "City of Bayonne Bonds," to an amount not to exceed two hundred thousand dollars, bearing interest at the rate of not over seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at periods not

less than ten nor more than thirty years from the date thereof; and the said bonds may be sold at public or private sale, at not less than ninety-five per centum of the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid; and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to assess and collect annually, a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act, and the collector of revenue shall collect and pay the same to the city treasurer, in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes.

Tax to be assessed and collected annually.

5. *And be it enacted*, That when a petition for an improvement states that the property owners, whose names are signed thereto, will pay all the expenses and cost of the improvement applied for, and that they consent that the amounts assessed against their property by the commissioners of assessments, shall be a lien thereon until paid, that then and in that case the board of councilmen may, by ordinance, proceed forthwith to execute and carry out said improvement under said application; and it shall not be necessary to advertise said petition, make the preliminary map, and report or do any of the matters required by section fifty-five of an act entitled "An act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey."

Board of council may by ordinance execute and carry out improvements.

6. *And be it enacted*, That whenever the act entitled "An act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey," or any supplement thereto, requires the publication of any petition, application for an improvement, ordinance, notice or other matter or thing, it shall be deemed a sufficient publication thereof under any of said acts, if the same is published in one weekly or one daily newspaper in Hudson county, to be named by resolution of the city council.

Publication of petition and application for improvement when deemed sufficient.

7. *And be it enacted*, That the mayor and council of the city of Bayonne are hereby authorized to enter into a contract with the board of chosen freeholders of the county of Hudson, agreeing to pay the expense of erecting a proper stone pier or abutment, for a bridge crossing the Morris canal from Greenville to the city of Bayonne, and the money

Council may enter into contract with freeholders for erecting a stone pier, &c.

to pay for said pier or abutment, shall be raised by a general tax on all the taxable property in the city of Bayonne, by an ordinance to be passed for that purpose.

Power of council to build bridges, and to raise the money by taxation.

8. *And be it enacted*, That the council shall have power to build bridges or the abutments, or any portion thereof, or enter into contract agreeing to pay the whole or any portion of the expense of such erection, and to raise the money therefor by taxation upon all the taxable property in the city of Bayonne.

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

Approved March 31, 1871.

CHAPTER CCCCXIX.

An Act to incorporate the Jersey City Omnibus Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles H. O'Neill, Francis P. Gautier, Josiah Hornblower and George B. Fielder, and their successors, shall be and they are hereby created a body politic and corporate by the name of "The Jersey City Omnibus Company," and by that name shall have power to establish one or more lines of stages, omnibuses or wagons, for the transportation of passengers, goods, wares and merchandise in Jersey City, upon and over Exchange Place and Montgomery street, from the Jersey City ferry to Bergen avenue, and upon and over Bergen avenue, from Montgomery street to the New Jersey Railroad bridge, near the intersection of Bergen avenue with Palisade avenue, and upon and over Palisade avenue; and they shall have power to purchase and hold such real estate as may be necessary or convenient to enable them to carry on their business, and to erect all necessary and convenient buildings, and to purchase, build and hold such wagons, stages and omnibuses, horses and mules, and to adopt and to use all such agencies, aids and conveniences as they may deem fit and proper and necessary for carrying on their said business, and to charge such reasonable reward, price and

Name.

Powers.

remuneration for the transportation of passengers, goods, wares and merchandise, as they may ordain and fix.

May run omnibuses over and upon any street.

2. *And be it enacted*, That in case any part of the route named in the last preceding section shall, at any time, be out of repair or impassable, then said corporation may run their wagons, stages and omnibuses, for the purposes aforesaid, over and upon the nearest adjoining streets, roads or avenues to the route named in the last preceding section, that may be in repair and passable for vehicles, till such time or times as the street and avenues first above named shall have been properly repaired and made safe for travel.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation direct.

Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That Charles H. O'Neill, Francis P. Gautier, Josiah Hornblower and George B. Fielder, or one of them, shall be commissioners or commissioner to receive subscriptions for the capital stock of said corporation; and they or he are hereby authorized for that purpose to open books of subscriptions, at such time and place as they or he shall appoint, giving five days notice of such time and place by advertisement in one newspaper printed in the county of Hudson.

Election of directors.

5. *And be it enacted*, That said corporation may commence business when the sum of ten thousand dollars of said capital stock shall be actually subscribed and paid in, and at such time the said commissioners, or either of them, shall give notice for five days, in a newspaper printed in the county of Hudson, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company; and of which election the said commissioners, or either of them, shall be the judges or judge, which subscribers when so met shall proceed to elect by ballot from among the stockholders, five directors, three of whom shall be 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.

May make by-laws, &c.

6. *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 pass such by-laws, rules and regulations as they may deem expedient, and as shall be reasonable to enforce the payment of subscriptions to their capital stock, either by forfeiture of the amount subscribed and paid in, or by action for the amount of the subscription, or otherwise; *provided*, that any sum subscribed and paid in shall not be forfeited unless upon due and reasonable notice.

Proviso.

Commissioners required to pay over subscriptions to directors.

7. *And be it enacted*, That when the said board of directors are elected and chosen as aforesaid, the said commissioners are hereby authorized and required to pay over to said board of directors, or to such persons as they shall direct, all money which they have received for the subscriptions to said capital stock, first deducting therefrom all expenses which they may have incurred for books, printing, or other expenditures; 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.

Annual election.

Failure to elect directors not to dissolve.

8. *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 as shall be fixed by the by-laws.

May elect a president and other officers.

9. *And be it enacted*, That the board of directors of said corporation, so chosen as aforesaid, shall and may elect one of their own body, or from among the stockholders, a president, who shall hold his office for one year; also a secretary and a treasurer, who shall hold their office for one year; also to appoint such subordinate officers, agents and workmen as the business of the said corporation shall require, and fix their compensation; also to make and establish such by-laws for the management of their property, regulation of their affairs, and for the transfer of their stock as they shall deem proper; *provided*, they are not inconsistent with the constitution and laws of the United States, or of this State; and they shall also have the power to fill any vacancy or vacancies occurring in their own body, or in the officers of the company, between the periods of the annual elections of directors or officers.

Proviso.

10. *And be it enacted*, That it shall be the duty of the president and directors of said corporation to exhibit to the stockholders, annually, a full and complete statement of the affairs of said corporation, and to produce the books, accounts and papers thereof, if required so to do by any person or persons being stockholders. Annual statement to be made.

11. *And be it enacted*, That this act shall continue in force for twenty years, and may be altered, amended or repealed at any time by the Legislature. Limitation.

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

Approved March 31, 1871.

CHAPTER CCCCXX.

An Act to incorporate the Caldwell and Millburn Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Israel D. Condict, Columbus B. Guthrie, George W. Clearman, William Walter Phelps and Francis S. Lathorp, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Caldwell and Millburn Railway 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, answering and being answered unto, defending and being defended in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements goods and chattels whatsoever, necessary or expedient for the objects of this corporation. Corporators. Corporate name.

2. *And be it enacted*, That the capital stock of said com- Capital stock.

pany shall be three hundred thousand dollars, and shall be divided into shares of fifty dollars each; but said company may increase the same to an amount not exceeding five hundred thousand dollars; the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall direct.

May open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and place or places, as they, or a majority of them, may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporators, or a majority of them, may give notice for a meeting of the subscribers to choose seven directors, and such election shall be made at the time and place appointed in the said notice by such subscribers as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named corporators, or a majority of them, shall be inspectors of such election, and shall certify under their hands the names of the persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid, shall, at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Election of directors.

Vacancies, how filled.

Failure to elect directors not to dissolve.

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

5. *And be it enacted*, That four directors of said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company by such instalments, not to exceed ten dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said company; and shall also have power to appoint a treasurer and secretary, and so many clerks, servants and agents as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Directors to call in instalments.

Proviso.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some convenient point in or near the village of Caldwell, in the county of Essex, thence passing by some convenient route to a convenient point in or near the village of Millburn, in the county of Essex, but such railway shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times, upon all lands or waters for for the purpose of exploring, surveying, leveling and laying out the route or routes of such railway, and of locating the same; and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railway, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents,

May survey, lay out and construct a railroad.

May enter upon all lands and waters.

engineers, superintendents, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works, lay rails and to do all other things which may be suitable or necessary for the completion, management or repairs of said railways, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of payment, of all damages for the occupancy of lands through or upon which the said railway, and its conveniences, appurtenances and appendages, may be laid out or located 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 railway and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings in case the company and owners of lands cannot agree.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price and value of said lands, who shall be sworn or affirmed faithfully to execute the duties of such appointment; and after like notice to both parties of time and place, shall meet and view the premises and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and quantity taken, by whom owned and how situated and bounded and described in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, and to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved

may appeal to the circuit court at the next term after such decision and award, by proceeding in 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 circuit court full right and power to hear and adjudge the same; and, if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company and execution issued, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issued therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case any owner or owners of such lands or real estate shall be feme covert, under age, non compos, out of the State, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report so made, on behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of any such owner or owners, all of which said proceedings as well under this as the preceding section of this act, shall be at the proper costs and charges of the said company; except in cases of appeal, above provided for; and the said justice shall and may order and direct, as to the amount of costs and charges of such valuation and appraisement, and witness' fees, and as to the payment thereof, in cases where an appeal is made.

Proceedings in case any person is incapacitated to make agreement.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient crossings where any public or other road shall

Crossings to be constructed and kept in repair.

cross the same, so that the passage of carriages, horses and cattle shall not be impeded thereby.

Semi-annual dividends.

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

Penalty for injuring works.

11. *And be it enacted*, That if any person shall wilfully impair, destroy or obstruct the use of the railway constructed under the provisions of this act by the said company, or any of its necessary bridges, carriages, machines or appendages, each person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by it recovered in any court having jurisdiction, in an action of debt, with costs; *and further*, shall be liable for all damages.

May commence operations.

12. *And be it enacted*, That when any part of the said railway shall be completed, the said company may commence operating the same for the transportation of passengers and property, enjoying all the privileges and subject to the restrictions created by this act.

Limitation.

13. *And be it enacted*, That the said railway shall be commenced within two years and completed within five years from the fourth day of July next ensuing, otherwise this act shall be void.

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

14. *And be it enacted*, That the said corporation shall have power to borrow, from time to time, such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars and buildings for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corporation at a rate of interest not exceeding seven per centum per annum; and for that purpose the president and directors of the said company are authorized and empowered to issue bonds to an amount not exceeding three hundred thousand dollars, with interest at the rate of seven per centum per annum, payable semi-

annually, and to secure the payment of the same, to execute a mortgage on the said road, lands, property, privileges, franchises and appurtenances of or belonging to the said company; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this State against usury, in any court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under the section of this act. Proviso.

15. *And be it enacted*, That it shall and may be lawful for the said company to connect their said railroad with any other railroad or railroads in the county of Essex; and it shall be lawful for the said railroad or railroads with which the said company may connect, to subscribe to the capital stock of said company hereinabove incorporated, or any part thereof, and also to endorse and guarantee the bonds of said company, and lease the road thereof upon such terms as may be agreed upon by the respective parties, and to make any other agreement or arrangement with the said company which the said parties may deem expedient; and in case the company with whom they may connect, shall endorse and guarantee the payment of the bonds of said company hereby incorporated, and shall be obliged to pay the same or any part thereof, they shall have the benefit of any mortgage which may be given for the security of said bonds; and in case the said company endorses and guarantees the said bonds should lease the said road, it shall be lawful for them to operate and run the same, and to avail themselves of all the privileges and franchises granted by this act, in relation to operating said road and charging for the transportation of persons and property thereon; *provided*, the said company shall not charge more than two cents per ton per mile on coal, and three cents per mile on each passenger. May connect with any other railroad. Bonds may be guaranteed by said railroad. Proviso.

16. *And be it enacted*, That all actions in tort for damage resulting from the malfeasance, misfeasance, negligence or omissions of the said company, its officers or agents, shall be commenced within one year after the cause of action shall arise or accrue, or the person sustaining such damage shall be forever barred and deprived from prosecuting or maintaining his, her or their action. Limitation for actions in tort for damages.

17. *And be it enacted*, That it shall be lawful for said company to make contracts and engagements with any other corporation or individuals for transporting or conveying May make contracts for transporting goods, &c.

any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of said contract.

Statements of costs and expenses to be made and filed.

18. *And be it enacted*, That as soon as said railroad, or any part of it is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January, of each year, he shall, under oath, make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this State a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the Legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one-half of one per centum, shall be in lieu of all other taxes; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

State tax.

Free passes.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this State, the members and officers of both houses of the Legislature of this State, during the year for which they were elected, shall pass and repass on the railroad of said company, in the cars, free of charge.

May purchase and hold real estate.

20. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any intermediate depots upon the line of the same; 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.

21. *And be it enacted*, That this act may be altered, amended or repealed whenever the Legislature may deem the public good requires the same. Legislature may alter, &c.

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

Approved March 31, 1871.

CHAPTER CCCCXXI.

An Act to incorporate the Hoboken Fire Insurance Company, of the city of Hoboken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns are hereby constituted and made a body politic and corporate, by the name and style of "The Hoboken Fire Insurance Company, of the city of Hoboken;" and by that name, shall be known in law, and have power to sue and be sued, to defend and be defended, in all courts, whether in law or in equity, and by that name, may have, purchase, possess hereditaments, goods, chattels, and effects of what nature or kind soever necessary, for the purposes of this corporation, and the same to grant, devise, alien and dispose of at pleasure, for the benefit of said company; and may also have a common seal, and the same to alter and renew at pleasure; and also to have perpetual succession; and also to create such officers and committees, and to delegate to them such powers as they shall deem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided*, the same be not contrary to the laws of this State. Corporate name. Powers.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, with the privilege to increase the said capital stock to two hundred Capital stock.

thousand dollars; and the said company shall not commence business until fifty thousand dollars of said stock shall have been paid in, in cash.

Election of directors.

3. *And be it enacted*, That the stock property, affairs and concerns of said company, shall be managed and conducted by a board of thirteen directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year, and until others may be chosen, and shall, at all times during their continuance in office, be stockholders in the said company, holding in their own right, ten or more full shares; the annual election for directors shall be held at the office of the company, public notice of which shall be given for ten days, in one or more newspapers published in the city of Hoboken; and each share of stock shall entitle its owner to one vote at each election, which may be given in person or by proxy.

Officers and their compensation.

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

Commissioners to receive subscriptions.

5. *And be it enacted*, That Theophilus Butts, W. H. Wood, W. W. Shippen, F. B. Ogden, W. H. Childs, Louis Huseman and Hazen Kimball, are hereby appointed commissioners, to receive subscriptions to the capital stock of said company, and that as soon as five hundred shares are subscribed, the said commissioners, or a majority of them, shall, by public notice, published in one or more of the newspapers published in the city of Hoboken, for one week, call a meeting of the stockholders for the purpose of choosing the first board of directors.

May insure against loss, &c., by fire.

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

Policies and contracts binding on the company.

7. *And be it enacted*, That all policies or contracts founded thereon, shall be made and entered into by said company,

may be made under or without the seal thereof, and shall be subscribed by the president or vice president, or by such other officer or officers as may be designated for that purpose by the said company, and attested by the secretary; and being so subscribed and attested, shall be obligatory upon the said company, according to the tenor, intent and meaning thereof, and of such like policies or contracts.

May purchase and hold real estate.

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

Stock to be 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.

Semi-annual dividends.

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

Directors not to borrow money from said company.

11. *And be it enacted*, That the directors of said company shall not directly or indirectly borrow money from said company, or use the same, except to pay necessary expenses; and the directors shall, from time to time, have power to make, ordain and establish such by-laws and regulations as

they shall judge proper, for the managing and directing of the affairs of the company.

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

Approved March 31, 1871.

CHAPTER CCCCXXII.

An Act to incorporate the People's Freight and Transportation Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezra D. Thayer, Charles L. Cornish, John Mulford, Rodman Backus, Hermann Schalk, William A. Ripley, John C. Smith, William H. Gomersall and William W. Hawkins, and such other persons as they may associate with them and their successors, shall be and are hereby created a body politic and

Corporate name.

corporate in fact and in law, by the name of "The People's Freight and Transportation Company;" that the capital stock of the said corporation shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice and in such manner, by instalments, as the directors of said corporation by their by-laws or otherwise may direct; that such payments may be made in money, or in real or personal property, including docks, wharves and steamboats, the directors of said corporation may issue in payment therefor the stock of said corporation, upon such terms as they may deem best for its interest; and that in case of failure of any stockholder to pay any instalment on his or her stock, at the place and within thirty days of the time appointed by the directors of said corporation for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares of stock and of previous payments thereon, for the use and benefit of said corporation.

Capital stock.

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

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

Election of directors.

3. *And be it enacted*, That the said corporation may be organized and shall have all the rights and powers conferred by this act, when one hundred thousand dollars of its capital stock shall be subscribed for and paid in; that the affairs of the said corporation shall, after its organization, be managed by nine directors, to be chosen, except as hereinafter provided, by the stockholders of the said corporation annually, at such time and in such manner as the by-laws of the said corporation may direct, five of whom shall constitute a quorum for the transaction of business, and which directors shall serve for one year and until others are chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in Newark, in this State; and said directors shall, from time to time, elect a president of the said corporation from their own number who shall hold his office until the next annual election for directors, and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary, and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if from any reason an election for directors shall not be held at the time appointed, the said corporation shall not for that reason be dissolved, but such election shall be held at any time thereafter; *provided*, two weeks' notice shall be given of such election by the publication thereof, in some newspaper published in the county of Essex.

Vacancies, how filled.

Proviso.

Directors to receive subscriptions.

4. *And be it enacted*, That Ezra D. Thayer, Charles L. Cornish, John Mulford, Rodman Backus, Hermann Schalk, William A. Ripley, John C. Smith, William H. Gomersall and William W. Hawkins, shall be the first directors of the said corporation, and shall be authorized to receive subscriptions to the capital stock of the said corporation, and a majority of them shall, as soon as convenient, after the sum of one hundred thousand dollars of said capital stock shall be subscribed for, meet and organize such corporation; and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

May hold, use and convey real estate and wharves and vessels.

5. *And be it enacted*, That it shall be lawful for the said corporation to take, hold, use, possess, convey, mortgage and dispose of real and personal property necessary for conducting their business, and to purchase, build, repair and alter any vessel or vessels propelled by steam or otherwise, and to navigate the same upon the waters of the Passaic and Hudson rivers, and the bays and sound adjacent thereto; and to purchase, repair and build suitable landing places, wharves and storehouses in Newark or its vicinity, which may be necessary for successfully conducting the affairs of the said corporation; *provided*, that nothing in this act shall interfere with the rights of the State to lands lying under water; and to establish one or more lines of freight and passenger boats to run between Newark, in this State, and the city of New York, in the State of New York, and adjacent places, for the carriage and transportation of freight and passengers; and it shall be the duty of the said board of directors, or a majority of the same, to make, from time to time, such dividends of the net profits of the said company as they may deem advisable, and to have an office at Newark, in this State, where a legal processs may be served on it.

Proviso.

Capital stock may be increased.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time, as the board of directors shall determine, to an amount not exceeding five hundred thousand dollars, when the sum of two hundred and fifty thousand dollars is paid in.

General powers.

7. *And be it enacted*, That the said corporation shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation, and particularly that it shall possess all the rights and powers and be subject to the restrictions and liabilities provided for in an act entitled "An act concerning corporations," approved February, fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same shall be applicable.

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

Approved March 31, 1871.

CHAPTER CCCCXXIII.

An Act to validate and confirm the consolidation of the "New Jersey, Hudson and Delaware Railroad Company," "The New Jersey Western Railroad Company," and the "Sussex Valley Railroad Company," into "The New Jersey Midland Railway Company," and to empower said company to lease its road.

Preamble. WHEREAS, by an act of the Legislature of the State of New Jersey, approved, March seventeenth, one thousand eight hundred and seventy, the New Jersey, Hudson and Delaware Railroad Company was authorized and empowered to consolidate its capital stock, property, powers, privileges, and franchises, with those of the New Jersey Western Railroad Company, the Sussex Valley Railroad Company, and the Hoboken, Ridgefield, and Paterson Railroad Company, or any, or either of them; AND WHEREAS, under and by virtue and in pursuance of said act, the New Jersey, Hudson and Delaware Railroad Company, the New Jersey Western Railroad Company, and the Sussex Valley Railroad Company have effected such consolidation and have filed the papers relating thereto, in the office of the Secretary of State, as required by said act; AND WHEREAS, it is deemed proper and advisable that said consolidation should be validated and confirmed; therefore,

Consolidation validated. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said consolidation be, and the same is hereby validated and confirmed, and that the said corporations, so consolidated be, and they are hereby merged and consolidated into the New Jersey Midland Railway Company.

Authorized to lease railroads, &c., to any company. 2. *And be it enacted*, That the said New Jersey Midland Railway Company be, and they are hereby authorized and empowered to demise and lease their railroads, ferries, property, and franchises, or any part or parts thereof, to any railroad company or companies of this State, or of the State of New York, upon such terms as may be agreed upon by

the directors of said companies, subject to the approval of the holders of a majority of the stock of the said New Jersey Midland Railway Company.

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

Approved March 31, 1871.

CHAPTER CCCCXXIV.

An Act to re-organize the local government of Jersey City.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jersey City shall hereafter consist of the territory comprised within the following boundaries, to wit: beginning in the middle of the Hudson river, at a point bearing south sixty degrees east from the southwest corner of block number seventy-six, as shown on the map of property of Cornelius Van Vorst; thence running northerly up the middle of the Hudson river to a point bearing south sixty degrees east from the northerly mouth of Harsimus or Mill creek; thence north sixty degrees west to the said Mill creek; thence up the middle of the said creek to the first branch thereof; thence in a northwesterly direction to the Hoboken embankment; thence southwesterly along the southerly side of said embankment to the easterly boundary line of Hudson City; thence northerly along said boundary line to a point opposite the centre of Tenth street, in the city of Hoboken; thence westerly in a direct line to the centre of the Paterson and New York plank road; thence along the centre of said plank road to the centre of Paterson avenue; thence northwesterly along the centre of said avenue to the centre of Secaucus road; thence northerly along the centre of said road to the middle of Penhorn creek; thence southerly along the centre of Penhorn creek to the centre of Hackensack river; thence along the centre of the Hackensack river southerly, its several courses, to the present boundary line between Jersey City and Greenville; thence easterly along said boundary line to the shore of New York bay; thence

along said shore to the line which, before the passage of this act, divided Jersey City from Greenville; thence along said last mentioned line, its several courses, to a point in New York bay where the centre line of the Hudson river produced southerly would intersect the same; thence northerly and along the centre line of the Hudson river to the place of beginning.

Constituted a body politic.

2. *And be it enacted*, That all persons resident within the said limits shall constitute a body politic and corporate, under the name of "The Mayor and Aldermen of Jersey City," having perpetual succession, and the power to sue and be sued, to complain and defend in any court of law or equity; to make and use a common seal, and alter the same at pleasure; to hold, purchase and convey such real and personal estate as its purposes shall require, or as may be directed in this act, and such other powers as may be specified in this act, and none others.

Property and rights transmitted.

3 *And be it enacted*, That all property and rights, whether in possession, in expectancy or in action, now belonging to the mayor and aldermen of Jersey City, or the water commissioners of Jersey City, are hereby transmitted to The Mayor and Aldermen of Jersey City, by this act created, and all liabilities for torts or contracts now existing against the mayor and aldermen of Jersey City, or the water commissioners of Jersey City, shall hereafter exist with the same effect against The Mayor and Aldermen of Jersey City, by this act created, and all suits or proceedings against or in behalf of the mayor and aldermen of Jersey City, or the water commissioners of Jersey City, shall proceed against or in behalf of The Mayor and Aldermen of Jersey City, hereby created, in the same manner and with the same effect as they would against or in behalf of the original party in case this act had not been passed.

Who entitled to vote.

4. *And be it enacted*, That every person holding any office created by this act, shall at the time of his election or appointment be a citizen of the United States, and have been a resident of Jersey City for one year at least; and the electors of Jersey City shall be such residents thereof as would, at the time of the election at which they may offer to vote, be entitled to vote therein for members of the General Assembly of this State.

City officers and their salaries.

5. *And be it enacted*, That the powers of the said city government shall be vested in a mayor, who shall receive an

annual salary of three thousand dollars; twelve members of the board of aldermen, who shall receive no salary; seven members of the board of public works, who shall each receive an annual salary of fifteen hundred dollars, except that the president of said board shall receive an annual salary of twenty-five hundred dollars; five members of the board of police commissioners, who shall each receive an annual salary of five hundred dollars, except that the president of said board shall receive an annual salary of fifteen hundred dollars; five members of the board of fire commissioners, who shall each receive an annual salary of five hundred dollars, except that the president of said board shall receive an annual salary of twelve hundred dollars; twelve members of the board of education, who shall receive no salary, the mayor shall also be ex officio a member of the board of education; and five members of the board of finance and taxation, who shall receive no salary other than that herein elsewhere provided.

Election and terms of office.

6. *And be it enacted*, That the mayor shall be elected by the people, and hold his office for two years, and that the members of the board of aldermen and of the board of education shall be elected by the people, and hold office for one year, that the members of the board of public works, of the board of fire commissioners, and of the board of police commissioners, shall be the individuals named as such in this act, and their successors, shall be chosen by the Senate and General Assembly in joint meeting; one of the members of such of the two last named boards shall hold his office for one year, two of them for two years and two of them for three years; two of the members of the board of public works shall hold office for one year, two of them for two years, and three of them for three years; and the members of each of said three boards shall, within ten days after the passage of this act, determine by lot who of them shall hold office for each of said terms, and give notice of such determination in one of the newspapers of Jersey City; the Senate and General Assembly of each Legislature succeeding the present, shall, in joint meeting, choose as many persons to be members of said boards as may be required to fill vacancies therein, and to succeed any incumbents whose term of office may have expired or will expire during the then current year; persons chosen to fill vacancies in said boards, shall hold office during the unexpired term only;

persons chosen to succeed incumbents shall hold office for the term of three years, and each member shall remain in office until his successor is chosen and qualified; if any vacancy shall occur in either of said boards, by the death, resignation or disqualification of an incumbent, after the final adjournment of the Legislature and prior to the assembling of the next Legislature, said vacancy shall be filled by the governor of this State, by the appointment of a suitable and discreet citizen of Jersey City, who shall continue in said office until his successor is chosen, which said successor shall be chosen by the Senate and General Assembly next succeeding the occurrence of the vacancy, in the manner herein elsewhere provided; the board of finance and taxation shall consist of the mayor, the president of the board of aldermen, the president of the board of public works, the president of the board of police commissioners, and the president of the board of fire commissioners; they shall hold their office for one year, and until their successors are appointed.

Vacancies, how filled.

7. *And be it enacted*, That the board of public works shall consist of the following seven persons, and their successors, viz: Thomas E. Bray, William H. Bumsted, Earl S. Martin, William Startup, August Ingwersen, Benjamin F. Welsh and Murrillo H. Gillett; that the board of police commissioners shall consist of the following five persons and their successors, viz: Thomas Edmundson, Frederick A. Goetze, Thomas A. Gross, Isaiah S. Hutton and Ezekiel M. Pritchard; that the board of fire commissioners shall consist of the following five persons and their successors, viz: John Boyd, Alonzo B. Dean, John H. Carnes, Dudley S. Gregory, Jr. and Thomas W. Tilden.

Board of public works.

Police commissioners.

Fire commissioners.

ELECTIONS.

8. *And be it enacted*, That the board of police commissioners shall divide the said city into election precincts, each of which shall be wholly contained in some one aldermanic district, and shall contain as nearly as practicable, about three hundred electors, and said board shall appoint a place in each precinct for holding the election, and shall provide ballot boxes and other necessary articles for such election, and shall cause notice to be published in the official newspapers of the city, for at least ten days before each

Police commissioners to divide city into election precincts.

election, setting forth the boundaries of each precinct, and the polling places therein; said board shall also appoint for each election three judges and one clerk of election for each precinct, and in case of any vacancies existing at the time fixed for the opening of the polls, in the office of judge or clerk of election in any precinct, by reason of the disqualification, neglect or refusal of any person so appointed, then the electors present at such time, at the polling places shall, on the summons of the judges present and acting, or of the clerk, or in the absence of all the judges and the clerk, on the summons of any elector, be empowered by a plurality of votes, to fill such vacancies; *provided*, *however*, that the judges and clerk of each precinct shall be chosen from among the electors residing in said precinct, and no more than two judges at each precinct shall belong to the same political party.

Proviso,

Electors to vote in precinct where they reside.

9. *And be it enacted*, That the electors residing in the precinct shall vote at the polling place in the precinct wherein they reside, and not elsewhere, and the election shall be held in the presence of said judges and clerk in the manner prescribed by law for conducting the election of members of assembly so far as practicable, and the powers and duties of such judges and clerk shall be the same as in such an election, and the said judges and clerk, and the electors, and all other persons, shall be subject to the same laws, regulations, penalties and punishments in any election within said precinct as apply to the election of members of the General Assembly, except as otherwise in this act provided.

Time of election.

10. *And be it enacted*, That the election of officers directed by this act to be elected, shall be held on the second Tuesday of April, and that in applying the laws which govern the election of members of the General Assembly, and the statement and canvassing of the results thereof to a city election, and in the statement and canvassing of the results thereof, the board of city canvassers shall be substituted for the board of county canvassers, the clerks of election shall be substituted for the clerks of townships, the city clerk shall be substituted for the county clerk, the office of city clerk shall be substituted for the office of county clerk, and the city hall shall be substituted for the county court house, and in all other respects the said laws shall, so far as practicable, be applied to the city elections, and that for the purpose of any other election which under

any law of this State should be held in said city, each election precinct shall be considered a township, and said judges and clerk of election shall be considered as township judges and clerk of election; that for their services attending such election, said judges and clerk shall receive eight dollars each, except that the members of the board of city canvassers shall receive in addition two dollars for their services as members of said board.

Compensation of election officers.

11. *And be it enacted*, That all elections shall be by ballot, and the person or persons receiving the greatest number of votes for any office shall be elected to that office, and the officers elected by the Senate and General Assembly in joint meeting, shall be commissioned by the governor; and every person elected or appointed to any office named in this act shall, before he enters upon the duties of his office, take and subscribe an oath before the city clerk, who is hereby empowered to administer the same, that he will faithfully and impartially, to the best of his skill and understanding, discharge the duties of his office, which oath shall be filed in the office of the city clerk; the city clerk shall take his oath of office before the mayor.

Election to be by ballot.

Persons elected to take oath of office.

12. *And be it enacted*, That the said city shall be divided into six districts, to be called aldermanic districts, and to be bounded as follows, viz: the first district—beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along the said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof to the southerly boundary of Jersey City, as defined by this act; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning; the second district—beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect street; thence

City divided into aldermanic districts.

First district.

Second district.

northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road or Cornelison avenue; thence northerly along the centre line of Mill road or Cornelison avenue to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of Hudson river; thence southerly along the centre line of Hudson river to the place of beginning; the third district—beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence

Third district.

southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning; the fourth district—beginning at the point where the centre line Fourth district. of the New Jersey railroad intersects the westerly boundary of Jersey City, as by this act defined, and running thence easterly along the said centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City, as by this act defined, to the place of beginning; the fifth district—beginning at the point Fifth district. where the centre line of the New Jersey railroad intersects the westerly boundary line of Jersey City, as by this act defined; thence easterly along the centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey railroad to the end of the centre line of Cornelison avenue, or Mill road; thence southerly along the centre line of Cornelison avenue, or Mill road, to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the

westerly boundary line of Jersey City, as by this act defined; thence northerly along said boundary line to the place of beginning; the sixth district—beginning at the point where the centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, as by this act defined; running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City, as defined by this act; thence westerly along said southerly boundary to the westerly boundary of said city, as defined by this act; thence along the said westerly boundary to the place of beginning.

Sixth district.

Election of board of aldermen and education.

13. *And be it enacted*, That at each charter election the electors of each of the said aldermanic districts shall choose two of their number to be members of the board of aldermen from that district, and two of their number to be members of the board of education from that district; said persons shall hold office for one year; *provided*, that if any person so elected shall, during his term of office, remove out of the district in which he was elected, or file with the city clerk written notice of the resignation of his office, his office shall thereby become vacant; and if for such or any other cause the office of any such person become vacant, the board of aldermen may, in case the vacancy be in the board of aldermen, direct a special election to be held in his district on the day designated by said board to fill the vacancy; which special election shall be held in the manner provided for the charter election; and the person chosen to fill the vacancy shall hold office for the unexpired term only.

Proviso.

Election of mayor.

14. *And be it enacted*, That the mayor shall be elected at the charter election, and shall hold his office for two years, and until his successor shall qualify; *provided, however*, that the term of office of the present mayor of Jersey City shall

Proviso.

continue until the person elected mayor at the charter election, to be held in the year one thousand eight hundred and seventy-two, shall qualify; in case of the absence of the mayor from the city, his inability to perform the duties of his office, his resignation or his death, the president of the board of aldermen shall be invested with the power and authority of the mayor until either the mayor resume his duties, or his successor be elected; and in case of the permanent removal from said city, or the resignation (to be evidenced as in the case of the resignation of an alderman) or death of the mayor, his successor shall be elected at the ensuing charter election, for the full term of two years.

Aldermen and board of education may expel members.

15. *And be it enacted*, That a majority of the aldermen, or of the members of the board of education, 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; each body shall be the sole judge of the qualifications of its members, and may expel any member for disorderly conduct and a violation of its rules, or declare his seat vacant by reason of his absence, *provided* such absence be continued for the space of two months, but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor except the delinquent member shall have an opportunity to be heard in his own defence.

Proviso.

Board to keep journals of proceedings, &c.

16. *And be it enacted*, That each of the boards of the city government shall determine the rules of its own proceedings, keep a journal of its proceedings, annually elect a president from its own body, and shall have power to compel the attendance of witnesses to testify before it and before the standing and special committees thereof, and to send for persons and papers to be used in evidence in all investigations to be had before them, and whenever any person shall be required to give evidence before any of them, a subpœna shall be issued by the city clerk in the name of the State of New Jersey under the seal of the city, to be signed by the city clerk, and attested in the name of the president of such board, directed to such person, commanding him or her to appear before such board or committee at a time and place to be named therein, to give evidence in the matter that may be under investigation; and if any person to whom such subpœna may be directed shall have in his or her possession any paper which may be proper evidence in such matter, such person may be required to produce such paper before

said board or committee, upon being legally served with a subpœna duces tecum issued as hereinbefore provided.

Estimate of receipts and expenditures to be made annually.

17. *And be it enacted*, That annually, during the month of June, the board of aldermen, the board of education, the board of public works, the board of police commissioners, and the board of fire commissioners, shall each present in writing to the board of finance and taxation, an estimate of its receipts and expenditures under general heads for the ensuing fiscal year, and a full and accurate account of all its financial affairs during the previous fiscal year, which fiscal year shall commence on the first day of July, and end on the thirtieth day of June ensuing, both days being included.

Commencement of term of office.

18. *And be it enacted*, That the terms of office of officers elected under this act shall commence on the first Monday in May after the election, unless otherwise directed.

No officer to be interested in any contract.

19. *And be it enacted*, That no officer holding any office under the provisions of this act shall, during his term of office, be directly or indirectly interested in any contract, work, business, sale or purchase, in regard to which any money may be at any time required to be paid by said city, or any department thereof, or by any tax or assessment upon any person or property within said city, except as in this act expressly directed; and in case any person shall enter upon any such contract, work, purchase or sale, knowing

Penalty for the same.

that any such officer is interested therein in violation of this section, such person shall not be entitled to receive any benefit by reason thereof, and in case such person shall receive any benefit by reason thereof, such benefit, or its equivalent, may be recovered back by said city from such person, his executors or administrators, with costs of suit in action on the case, to be commenced within six years thereafter in any court having cognizance of the same, and any sale or transfer made by said city in which any such officer may be interested, as aforesaid, shall be void as to all persons aware of such interest; and any such officer interested, in violation of the true intent and meaning of this section, shall be liable to indictment and impeachment therefor, as for malfeasance in office.

Number of official newspapers.

20. *And be it enacted*, That the official newspapers of said city shall be designated by the board of finance and taxation, from time to time, and shall be the three papers published therein, which for three months next preceding the designation have had the largest daily average bona fide

circulation; *provided*, that said three papers shall not belong to the same political party; *and provided further*, that a newspaper published therein in the German language may also be designated by said board as an official newspaper, and all matters required by this act to be published in one or more newspapers shall be published in the official newspapers of the city, and none others, except where by this act expressly directed; the compensation of said newspapers shall be fixed by the said board of finance and taxation. Proviso. Proviso.

THE MAYOR.

21. *And be it enacted*, That the mayor shall see that the laws of the State and the ordinances of the city are faithfully executed therein; he shall be authorized to recommend to any board of the city government such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order therein, and in case of a riot or tumultuous assembly, he may take command of the police force of the city to suppress it; in case of persons violating, or being suspected by him of violating, or being charged upon oath or affirmation with violating any criminal law of this city, or penal ordinance of said city, he shall possess the same power and authority which justices of the peace have in criminal cases; he shall sign all licenses directed to be issued by the board of aldermen, and all bonds, obligations, or other evidence of indebtedness issued by the city; and the mayor shall also be ex officio, a member of all the boards named in this act, except the board of aldermen and the board of public works. Power and duties of the mayor.

BOARD OF ALDERMEN.

22. *And be it enacted*, That the board of aldermen shall hold stated meetings at least once in each month, at such time and place as they may appoint, but the mayor or any three aldermen may call a special meeting by at least one day's written notice to each of the aldermen, served personally, or left at his usual place of abode; the first stated meeting of the board shall be held on the first Tuesday after the first Monday in May, at half-past seven o'clock in the evening, at the last place of meeting of the preceding board. Meeting of board of aldermen.

Ordinances to be approved by the mayor.

23. *And be it enacted*, That every ordinance of the aldermen, and every resolution of the aldermen affecting the interests of the city, shall, before it takes effect, be presented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approve it, he shall sign it; if not, he shall return it with his objections, and file the same with the clerk within ten days after he received it, and the aldermen shall, at their first regular meeting thereafter, order the objections to be entered at large on their journal, after which they shall proceed to reconsider the same, and if two-thirds of all the aldermen elected shall then pass the same, it shall take effect as a law, but in every such case the votes shall be taken by ayes and nays, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within ten days after he shall have received it, it shall become a law in like manner as if he had signed it;

Proviso.

provided, always, that each and every ordinance so passed as aforesaid, shall be published for the space of ten days in the official newspapers before said ordinance shall go into effect; and no ordinance or by-law shall be enacted by the said aldermen, unless the same shall have been introduced before the aldermen at a previous stated meeting, and upon its passage agreed to by at least a majority of the aldermen elected.

Power of aldermen to pass ordinances.

24. *And be it enacted*, That the board of aldermen shall have power to pass, alter or repeal ordinances to take effect within said city, for the following purposes:

To license inns, pedlars, hack drivers, &c.

First—To license, regulate and prohibit inns, taverns and restaurants, and the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; to license and regulate hawkers, pedlars, hucksters, butchers, slaughter houses, markets, auctioneers, cartmen, hack drivers, omnibus drivers and porters; and to fix the terms upon which licenses for such purposes shall be granted, and to make all proper rules and regulations for the collection of license ees; and no other license for any of such purposes shall be valid within said city, except licenses granted by the governor to hawkers and pedlars;

Weights and measures.

Second—To provide for the appointment and government of inspectors of scales, weights and measures, and to pre-

scribe their duties and compensation, and to enforce the keeping and using of just weights and measures;

City armory and public baths

Third—To provide a city armory and public baths, and to regulate the use of the same;

Nuisances.

Fourth—To declare what shall be nuisances in lots, streets, docks, wharves or piers, and to provide for the removal, sale, and other disposition of all such nuisances; *provided*, that nothing herein shall be construed to authorize the board of aldermen to interfere with any other department of the city government in the discharge of its duties or the exercise of its powers;

Proviso.

To prevent cattle from running at large.

Fifth—to prevent horses, cattle, sheep, dogs, swine, goats, geese, ducks and other animals from running at large in streets or public places in said city, and for the impounding, sale or destruction of the same, and to regulate and control the driving of such animals through the streets and public places of the city;

To regulate the running of engines and railroad cars.

Sixth—To regulate and control the running of locomotive engines, dummy engines and railroad cars through the streets and public places;

Free use of streets.

Seventh—To regulate, control or prohibit the passage through the streets and public places of buildings and other large structures, that materially interfere with the free use of the streets by the public;

Interments.

Eighth—To regulate and prohibit interments within the limits of the city;

Names of streets.

Ninth—To regulate the numbering of houses and lots in the streets and avenues, and the naming of the streets, avenues and public places;

Fences and walls

Tenth—To regulate the construction, repair and removal of partition fences and walls;

Use of streets.

Eleventh—To regulate the use of streets and public places by foot passengers, vehicles, railways and engines.

Encroachments on streets.

Twelfth--To regulate or prevent the use of streets for any other purposes than public travel, and to provide for the removal of any encroachment on streets or public places; *provided*, that nothing herein shall authorize any interference with any other department of the city government;

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Public criers, &c.

Thirteenth—To regulate or prohibit public criers, bell ringing, banners, flags, placards, handbills and advertisements in the streets and public places;

Fire works.

Fourteenth—To regulate or prohibit the use of fire arms,

fire works, and detonating works of all descriptions within the city;

Penalties for violation of ordinances.

Fifteenth—To prescribe the penalties, by fine not exceeding fifty dollars, in each case, or by imprisonment in the city prison not exceeding ten days, in each case, or both, for any violation of any ordinance authorized by this act;

Other purposes.

Sixteenth—For such other purposes as this act may authorize to be done by their ordinance.

Aldermen may make arrests without warrant.

25. *And be it enacted*, That every alderman shall have the power, and it shall be his duty to arrest, or cause to be arrested, without warrant, any person engaged in his presence in disturbing the public peace, or violating any criminal law of this State, or penal ordinance of said city, and cause such person to be forthwith brought before some magistrate having cognizance of the offence, to be dealt with according to law.

CITY OFFICERS.

Appointment and term of certain officers.

26. *And be it enacted*, That as soon as may be after their organization, the board of aldermen shall proceed to appoint by ballot (a majority of all the aldermen being necessary to a choice) a city clerk, a city collector, a city marshal, an overseer of the poor, and three pound keepers, whose term of office shall commence on the third Tuesday in May, and continue for one year, or until their successors shall qualify; and in case any of such appointees shall die, or resign, or become disqualified by removal from the city or otherwise, to hold the office to which he may have been appointed, said board shall in like manner fill such vacancy for the unexpired term only.

Board of finance to appoint officers.

27. *And be it enacted*, That the board of finance and taxation shall forthwith appoint a city attorney, a city treasurer, a city comptroller, and such assistants to the city collector as in their judgment he may from time to time need, and the compensation of each of such assistants the said board shall fix; and such appointees shall hold office during the pleasure of said board, except the city attorney, who shall hold office for one year, commencing March first, and until his successor be appointed; and said board shall also determine the amount and kind of security to be given for the faithful discharge of his duties by any officer provided for in this act, except the mayor, aldermen, members of the board of

public works, of the board of police commissioners, of the board of fire commissioners, and of the board of education.

Duties of treasurer.

28. *And be it enacted*, That the city treasurer shall receive an annual salary of three thousand dollars; and it shall be his duty to receive and safely keep all moneys belonging to, or under the control of the city, or any department thereof, and to disburse the same in the manner provided by law, and in no other; he shall keep an accurate account of all such moneys received or paid by him, and of the time of receipt or payment, and of the person of whom received, and to whom paid; he shall give a voucher for all moneys received, and take and keep a voucher for all moneys paid, and shall perform such other duties as in this act may be directed; he shall have an office in the city hall, where he shall be in attendance during the business hours of each day; and he shall also give such bond for the faithful performance of his duties as the board of finance and taxation may require.

City clerk.

29. *And be it enacted*, That the city clerk shall receive an annual salary of four thousand dollars; he shall have charge of all the records, books, papers and documents of the city, except when otherwise by this act provided; he shall countersign all licenses, and all bonds, obligations and other evidences of indebtedness issued by the city or any department thereof, and shall affix the corporate seal thereto; he shall have the custody of that seal; he shall be the clerk of the board of aldermen, and keep a record of their proceedings, and engross all the ordinances of such board in the book of ordinances to be provided for that purpose, with proper indices for each book; every ordinance shall be signed by the mayor and said clerk, and said book shall be a public record, and be evidence in all courts and places of the due passage and publication of every ordinance engrossed therein and signed as aforesaid; and copies of any portion of said book, certified under the corporate seal and the hand of said clerk, shall be evidence of the same facts as the book itself; and certificates, signed by the said clerk under the corporate seal, of the filing of any paper in his office, or of any of the records and proceedings of the board of aldermen, shall be evidence thereof in all courts and places; the city clerk shall issue all licenses authorized by this act, and receive the fees payable therefor, which he shall forthwith deliver to the city treasurer, whose voucher therefor he shall file in his own office; he shall perform such

other duties as in this act may be directed; his office shall be in the city hall, and he shall give such bond for the faithful performance of his duties as the board of finance and taxation may require.

City Comptroller.

30. *And be it enacted*, That the city comptroller shall receive an annual salary of four thousand dollars, and shall keep an accurate record of all receipts and disbursements on account of the police department, the fire department, the city water works, city docks, wharves and piers, the opening, widening, grading, regulating, paving, repairing or improving of the streets and public places, as far as the same may come into and be chargeable upon the city treasury, the poor, the public schools, the city prison, salaries, interest, the city debt and contingencies, and such other specific objects as the correct management of the city finances may render advisable, to the end that his books may at all times show whether the appropriations for any specific object are exhausted, or how much remains to the credit of such appropriation, and how much is expended for such object; his office shall be in the city hall, where he shall attend during the business hours of each day; he shall perform such other duties as may be required in this act, and shall give such bond for the faithful performance of his duties as the board of finance and taxation may require.

City collector.

31. *And be it enacted*, That the city collector shall receive an annual salary of three thousand five hundred dollars; he shall collect all taxes, water rents and assessments levied under this act, except where otherwise directed, and pay them over to the city treasurer; he shall also collect all taxes levied within said city for county or state purposes, and pay the same over to the county collector; and with respect to the county and state taxes, he shall perform the same duties, be entitled to the same compensation, and be subject to the same laws and regulations as are or may be prescribed for township collectors; he shall also keep a record of all his proceedings affecting the revenue of the city, and at the end of each fiscal year shall file the same in the office of the city clerk; his office shall be in the city hall, where he shall be in attendance during the business hours of each day, and he shall perform such other duties as may be required in this act, and shall give such bond for the faithful performance of his duties as the board of finance and taxation may require.

City attorney.

32. *And be it enacted*, That the city attorney shall receive an annual salary of three thousand dollars, and shall be the legal adviser of the city government, and of each board thereof, and shall appear as the attorney or solicitor of the corporation, in all suits in which the corporation is a party; no other legal adviser, attorney or solicitor shall be employed in behalf of the said city or any board thereof, except in accordance with a resolution for that purpose, previously passed by such board, when such additional counsel, attorney or solicitor shall be paid only out of moneys appropriated to the use of such board; and all suits by or against any board of the city government, shall be brought by or against the city corporation by its corporate name, unless such suit shall be between two or more of such boards, or between the city corporation and one or more of such boards, in which excepted cases, said boards shall sue and be sued by their proper names, namely: the board of aldermen of Jersey City, the board of public works of Jersey City, the board of police commissioners of Jersey City, the board of fire commissioners of Jersey City, the board of education of Jersey City, the board of finance and taxation of Jersey City, in which excepted cases also, each of the said boards may employ its own attorney, solicitor and counsel, paying them out of its own appropriations only.

City marshal.

33. *And be it enacted*, That the city marshal shall receive an annual salary of one thousand dollars, and shall perform such duties as the board of aldermen, within the scope of their authority may direct.

Overseer of the poor.

34. *And be it enacted*, That the overseer of the poor shall receive an annual salary of one thousand dollars, and shall perform such duties and exercise such powers as are prescribed for overseers of the poor by any general law of this State, and shall perform such other duties in relation to the poor as the board of aldermen may by ordinance direct; he shall also, under the direction of the board of police commissioners, have charge of the alms house of the city.

Pound keepers.

35. *And be it enacted*, That the pound keepers shall perform such duties and exercise such powers in relation to the impounding, sale, disposition or destruction of animals running at large, or doing damage, as are prescribed by any general laws of this State, or may be directed by any ordinance of the board of aldermen acting within the scope of its authority; and they shall receive such fees as the board of aldermen may by ordinance fix.

Penalty for not delivering over books, &c., to successors in office.

36. *And be it enacted*, That if any person having held any office under this act, shall not, within ten days after his term of office shall have expired, or after he shall have vacated or been removed from office, or within such further reasonable time as may be allowed by the body which appoints his successor, deliver over to his successor in office, all the property, books and papers belonging to the city or appertaining to such office, in his office, or under his control, he shall forfeit and pay to said city the sum of five hundred dollars, to be sued and recovered in an action of debt, with costs, by said city in its corporate name.

Offices, how vacant.

37. *And be it enacted*, That if any person shall neglect to take the oath of office, or give the required security for ten days after receiving notice of his election or appointment to any office under this act, or of the security required, he shall be considered as having declined such office, and the same shall be deemed vacant; and in case of any vacancy not otherwise provided for, if the office is to be filled by the electors of the said city or of any district therein, the board of aldermen may, by resolution, direct a new election to be held to fill such vacancy for the unexpired term, in accordance with this act, at as early a day as practicable, to be fixed by said board; and if such office is not to be so filled, then the appointing body shall proceed as soon as may be, to fill the same for the unexpired term, or during the pleasure of such body, as elsewhere in this act directed.

Vacancies, how filled.

BOARD OF PUBLIC WORKS.

Powers of board of public works.

38. *And be it enacted*, That the board of public works shall hold stated meetings, at least once a month, in such places as they may designate; they shall choose one of their number to be president, who shall hold his office for one year, and shall have the general supervision of all their concerns, and perform such duties as shall appertain to the office of president; they shall have power to choose a clerk and such other officers and agents as may be necessary for the management of their concerns, and to define their duties and fix their compensation, and discharge them at pleasure; said board shall also have power to make contracts in regard to all matters under its control, which contracts shall bind the city corporation, and when in writing, shall be in the name of such corporation, and signed by the mayor and

the president of said board, and be sealed with the corporate seal; it shall at the request of the mayor, at all times, furnish to him full information as to its affairs and transactions.

39. *And be it enacted*, That the board of public works shall have cognizance and control, Control of property connected with distribution of water.

First—Of all structures and property connected with the supply and distribution of the Passaic water;

Second—Of the supplying, sale and use of the Passaic water; Supplying water.

Third—Of the opening, extending, altering, regulating, grading, flagging, curbing, guttering, paving, repairing, cleaning, clearing and lighting of streets and public places; Streets, &c.

Fourth—Of all public buildings or lots; Public buildings.

Fifth—Of all public sewers and drainage; Sewers and drains, docks, &c.

Sixth—Of all public bulkheads, docks, wharves, piers and bridges;

Seventh—Of the construction and repair of all public buildings, sewers, docks, wharves, piers and bridges; Construction and repair of buildings.

Eighth—Of providing for the various officers of the city, proper places for the transaction of their business. Offices for city officers.

40. *And be it enacted*, That the said board of public works shall appoint three discreet persons, residents and freeholders of Jersey City, to be commissioners of assessments, who shall receive such compensation as said board may direct, and shall hold their offices for one year; the said commissioners shall make all assessments for improvements under this act, provided that if any of the said commissioners shall be interested in the matter of any such assessments, said board shall appoint some discreet and impartial freeholder or freeholders, resident in said city, to act in regard to such assessment, in lieu of the commissioner or commissioners interested therein, as aforesaid, and every report of assessment made by commissioners of assessments shall be accompanied by the oath or affirmation of each commissioner making the same, that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said board is hereby authorized to administer. Appointment and duties of commissioners of assessments.

41. *And be it enacted*, That streets shall be opened, extended, widened or otherwise changed as to their boun-

Opening, extending, or widening of any street, how made.

daries, in the following manner, and not otherwise: a petition in writing shall be presented to said board, setting forth accurately the improvement desired, and the petitioner shall deposit with the city treasurer such sum of money as said board shall direct, being sufficient to cover the expense to be incurred, in case such improvement shall not be ordered; if said board shall favor the petition, the same shall be referred to the commissioners of assessment, and a discreet surveyor, not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which in the judgement of said commissioners will be benefitted thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, so far as practicable, the names of the owners of said real estate to be taken, and property to be benefitted, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement; and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; *provided*, that where the line of such improvement would bisect any building the said commissioners may determine, as shall seem to them most just to take, either the whole of such building or so much thereof as stands upon the land required, or to require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners thereof have land enough left for that purpose, and their appraisement shall be made accordingly; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings to be taken on account of said improvement, and shall so determine the probable net cost of making the improvements; this probable net cost they shall then assess upon the land to be benefitted in proportion to the benefit to be received; thereupon they shall under their hands make a

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report of the facts ascertained, and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and map with the clerk of said board within thirty days after the reference to them, or within such further time as said board shall grant; thereupon the said clerk shall cause a notice of the filing of said map and report, to be printed in the official newspapers for the space of two weeks; which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place, when and where the said board will meet to hear and consider any objections to said report, or to the improvement, which may be presented in writing; said clerk shall also, within said two weeks, cause notices to the same effect to be posted at points not over four hundred feet apart along the whole line of said improvement; the time appointed for such objections being not less than ten days after the expiration of said two weeks; and all objections at such time and place, presented in writing, said board shall consider and adjudicate upon, and the awards or assessments made in said report shall be corrected accordingly, a copy of which corrections, signed by the president of said board, shall be filed with the said clerk within twenty days after the expiration of said two weeks; if said board shall then determine to make said improvement, notwithstanding any objections to the same, the said board shall confirm said awards, with the corrections, if any, and order the said improvement to be made and completed in such manner as said board may direct, under the supervision of the said commissioners of assessments; *provided*, that said board shall not proceed to make any such improvement, if the owners of two-thirds of the property to be assessed for the improvement shall remonstrate against the same being made, except in the cases and in the manner hereinafter specified in section fifty-two of this act; said board shall thereupon pass a resolution, directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and damages sustained in making said improvement, an attested copy of which resolution shall be filed with the city clerk, as his authority for issuing warrants for such sums, and upon the filing of such copy with the city clerk, the fee simple of said real estate to be taken shall be

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vested in said city corporation, the mayor and aldermen of Jersey City; *provided*, that where the commissioners shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the sum of the award on account of such plot, to be paid to the owners thereof when and as their interest may appear; and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall report to said board the actual net cost thereof, and said surveyor, or some other to be appointed in his stead by said board, shall assess such actual net cost upon the land reported by said commissioners as benefitted thereby in the same proportions as the estimated net cost had been previously assessed in the map and report of said commissioners, as corrected by the board; the assessment so made shall constitute a lien upon each parcel of said lands for the amount assessed to the same.

Proviso.

Commissioners to make award and assessment when any street shall be vacated.

42. *And be it enacted*, That whenever any street shall be so altered that any part of it shall require to be vacated, such part thereof shall be distributed by the commissioners of assessment among the parcels of land contiguous thereto, in such manner that, so far as practicable, the relative frontage of such parcels upon the street shall be preserved, which distribution their map and report shall show, and said commissioners shall take such distribution in consideration in making awards and assessments, and the portions so distributed to each of the parcels, shall, upon the filing of the resolution confirming the awards with the city clerk, be vested in the owner or owners of such parcel in the same estate as the parcel itself.

Awards and assessments, how paid.

43. *And be it enacted*, That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then, if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment only, so much of the award as is in excess shall be paid, and the resolution of the board ordering the awards to be paid, shall be framed accordingly; and when the amount to be assessed shall be

finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be cancelled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be cancelled, and such excess only shall be a lien upon the property assessed; the rest of the award or assessment, as the case may be, being also cancelled.

Proceedings in case any person is dissatisfied with determination of the board.

44. *And be it enacted*, That whenever any person who shall have presented objections, as aforesaid, to an award shall be dissatisfied with the determination of said board thereupon, such person may commence an action of assumpsit against the mayor and aldermen of Jersey City, in the circuit court, in the county of Hudson, or in the supreme court of this State, (provided that the trial shall be had in said county,) which action shall proceed in all things as if the said defendant therein had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof, and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded, as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover its taxable costs against the plaintiff, and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment; *provided, always*, that no such action shall be bronght by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought, be filed with the clerk of said board within sixty days after the confirmation of the award; nor unless such action be commenced within six months after such confirmation; *provided, further*, that the judge of the said circuit court may, upon petition, for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

Proviso.

Proviso.

Increase of cost of improvement to constitute a lien.

45. *And be it enacted*, That if by reason of such actions as are provided for in the last section, after paying the costs of litigation, the cost of the improvement be increased more than two thousand dollars, such increase shall be assessed

upon the property previously assessed in the same proportions as the previous final assessment, and shall constitute a lien upon such property for the amount newly assessed; and if by reason of such actions, after paying the costs of litigation, the cost of such improvement be lessened more than one thousand dollars, the amount of such decrease shall be awarded to the property previously assessed, in the same proportions as the previous final assessment; in all other cases, gains or losses by such actions shall belong to or be borne by the city treasurer, unless the board of finance and taxation shall direct the assessment or award thereof as aforesaid.

Board of public works may declare any street vacated.

46. *And be it enacted*, That on the application of the owners of three-fourths of the property fronting on any public street, or part of any public street, for the vacation thereof, said board of public works may appoint a time and place when and where they will hear parties interested therein, of which notice shall be given by advertisement, as in case of opening a street, and thereupon after hearing such persons as may then there appear to be heard in relation thereto, said board may pass a resolution declaring said street or part of a street vacated, and the effect of such resolution shall be to terminate the rights and duties of the public concerning said street or part of a street.

Manner of flagging, curbing, guttering and paving streets.

47. *And be it enacted*, That streets shall be flagged, curbed, guttered and paved in the following manner: an application in writing shall be made to the said board for the particular improvement desired, thereupon said board may direct notice of such application to be given by advertisement printed and posted in the manner directed in section forty-one of this act, which notice shall also specify the time and place, when and where said board will meet and hear parties interested therein, which time shall be not less than ten days after the expiration of such notice; if after hearing such parties as may then and there appear to be heard in relation thereto, said board shall determine to make said improvement, they shall thereupon advertise in the official newspapers of the city for not less than two weeks for proposals for the doing of such work and furnishing such materials as may be required, which proposals shall be presented in such form and under such regulations as said board may prescribe: upon the coming in of said proposals, the said board may make a contract with the lowest responsible

bidder on the terms of his proposals for the completion of said improvement, and may complete the same, and when completed the expense thereof shall be assessed by the commissioners of assessment, upon the land fronting on said improvement in proportion to the frontage; *provided*, that where intersections are so improved, the expense of so improving such intersections shall be assessed equally at so much per lineal foot of frontage on all land extending from such intersection one-half the distance to the nearest street in every direction; said commissioners shall report such assessment in writing to said board, accompanying their report with a map of their improvement, designating each separate lot or parcel of land assessed by a number, and give the names of all the owners thereof, as far as practicable; upon the filing of such report and map with the clerk of said board, he shall cause notice of that fact, and of the time and place when objections to said assessment will be heard by said board, to be published in the official newspapers of the city for two weeks, which time shall be not less than ten days after the expiration of said two weeks, and all objections in writing presented at such time and place shall be considered and adjudicated upon by said board; and if said board shall order the correction of said assessment in any particulars, such correction shall be certified by the president of said board, and filed with the clerk thereof; the assessment so made and corrected shall constitute a lien upon each parcel of said lands for the amount assessed to the same; *provided always*, that in case of an application for paving with stone or with wood pavement without specifying any particular kind of stone or of wood pavement, said board may designate the particular kind at any time before making the contract; and the lowest responsible bidder for that kind of pavement shall be considered as the lowest bidder for the improvement, but the board shall be under no obligation to accept the lowest bid, and may reject all bids.

Proviso.

Proviso.

48. *And be it enacted*, That any street may be graded in the following manner: the proceedings shall be the same as the proceedings for paving a street, except that in assessing the expenses thereof, each lot or parcel of land shall be assessed only for the labor and materials necessary to grade the street in front of it, and for its share of the intersections as in paving a street, and shall be credited, if any credit

Manner of grading streets.

ought to be allowed, for the materials taken from the street in front of it, and proportionally from any neighboring intersection, and the assessment so made shall constitute a lien thereon and be collected as in case of paving.

Resolution of extension of time put up.

49. *And be it enacted*, That the time fixed for the doing of any of the several matters mentioned in sections forty-one, forty-six and forty-seven, may be extended by resolution of said board, a copy of which resolution shall forthwith be put up in some conspicuous place in the office of the clerk of said board; *provided*, that the intervals between the said several matters be not lessened.

Proviso.

Application for street improvements.

50. *And be it enacted*, That any application for street improvement may embrace several kinds of improvement upon the same street, provided the assessment for the several kinds of improvement asked for is by this act directed to be made upon the same property.

Expense of grading, paving, curbing, &c., how made.

51. *And be it enacted*, That whenever in the opinion of the board of finance and taxation it would be just that the expense of grading, paving, curbing, guttering or flagging any street or part of a street, should be assessed not upon the property fronting upon it and the cross streets only, but generally upon all the property benefitted in proportion to the benefit received, then the said board shall so declare by resolution, a copy of which resolution shall be filed with the clerk of the board of public works, and served upon each commissioner of assessments before the completion of said improvement, and thereupon the said expenses shall be assessed accordingly.

Expense of portion of street improvement may be paid by the city by general tax.

52. *And be it enacted*, That whenever in the opinion of the board of public works it would be just that any portion of the expense of any street improvement hereafter ordered should be borne by the city at large, and paid by general tax, the said board may so declare by resolution, a copy of which resolution shall forthwith be transmitted to the board of aldermen, and if a resolution to the same effect shall be passed by said board of aldermen and signed by the mayor, or passed, the objections of the mayor notwithstanding, so as to take effect in the manner provided for a resolution affecting the interests of said city, such portion of such expense shall be so borne and paid, and only the balance of such expense shall be assessed upon the property, as provided by law; and any improvement may be made by said board of public works, at any time, under the conditions

prescribed in this section, notwithstanding any remonstrance or objection that may be made against such improvement, and notwithstanding any other provision in this act contained.

Expense of keeping pavements and sewers in order to be paid by the city.

53. *And be it enacted*, That whenever any street or part of a street has been or shall hereafter be paved, or any sewer has been or shall hereafter be laid, and the assessment therefor has been or shall be once paid by the property assessed, no assessment shall be again levied for the paving or sewering (as the case may be) of the same street or part of a street, but the expense of keeping said pavement or sewer in order, or of the paving or sewering of the same anew with the same or other material, shall be borne by the city at large, and paid by general tax.

May make regulations for keeping sidewalks in repair.

54. *And be it enacted*, That the said board of public works may make such regulations for notifying the owners or occupants of any parcel of land fronting upon any street, to keep the sidewalk and curb in front of such parcel in good repair, as they may deem expedient; and if in any case after such notice such repairs be done by said board, the expense thereof, with interest and costs, may be recovered by such board by suit in the name of the city against such owner or occupant as for so much money due for labor performed and materials furnished by said city for such owner or occupant, at his request.

Cost of paving, flagging, &c., of any street paid by general tax to be awarded by contract to the lowest bidder.

55. *And be it enacted*, That whenever the cost of paving, flagging, curbing, or guttering any street, or constructing any sewer, is directed to be borne by the city at large, and paid for by general tax, no other proceedings shall be necessary for executing such improvements than the resolution of the board of public works, and an advertisement for proposals, as directed under section forty-seven of this act, and the awarding of the contract for such improvement to the lowest responsible bidder; and the repairing, cleaning and clearing of streets and sewers, and the lighting of streets, shall be done under the direction of said board, by such persons, at such times, and in such manner, and on such terms, as said board shall fix upon, and the expense thereof shall be borne by the city at large, and be paid by general tax.

May establish grade for any streets.

56. *And be it enacted*, That the said board may establish grade for any street, or part thereof, the grade of which has not already been established according to law, in the fol-

lowing manner: it shall be referred to some discreet and disinterested surveyor, to be designated by said board, to report to said board the proper grade for such street, or part of street, and within ten days, or such further time as may be granted by said board, said surveyor shall report the proper grade, and file his report with the clerk of said board; thereupon, said clerk shall cause notice to be printed in the official newspapers of said city for two weeks, that said board will meet at a certain place not less than ten days after the expiration of said two weeks, to hear objections that may be presented in writing to the establishing of the grade reported; and thereupon, after considering the grade reported, and any objections that may be presented thereto, the said board may establish, by resolution, such grade as shall seem to them proper.

May change grade.

57. *And be it enacted*, That the grade established for any street, or part thereof, may be changed by said board in the same manner as prescribed in the last section; *provided*, such street, or part thereof, has not been graded, and no buildings have been erected or commenced thereon since the establishing of the former grade.

Proviso.

Grade of street when established how changed.

58. *And be it enacted*, That when the grade of any street, or part of a street, has been, or shall be established according to law, and said street, or part of a street, has been or shall be graded according to such grade, or any building has been or shall be erected or commenced on said street, or part of a street, after the establishing of such grade, then the grade shall be changed only by consent in writing of the owners of the majority of the property to be assessed therefor, and upon paying to the owners of any property to be injured thereby the damages sustained, and the proceedings for such change of grade shall correspond as nearly as may be to the proceedings for opening a street; *provided*, that where a change of grade is made necessary for the purposes of sewering, such change may be made by said board of public works without the consent aforesaid.

Proviso.

Power to establish, revise and amend a plan of sewerage.

59. *And be it enacted*, That the said board of public works shall have power to establish, revise and amend a plan of sewerage and drainage for all the streets that now are, or may be hereafter opened in Jersey City, in which public sewers have not been constructed, and on such plan shall be designated each main sewer and each lateral sewer, and the size thereof; and all the sewers to be constructed

shall be in accordance with such plan; that the proceedings for the construction of any sewer shall correspond, as far as practicable, with the proceedings for paving streets; *provided*, that the assessments for intersections shall be confined to the property assessed for other portions of said sewer; *and provided further*, that so much of the expense of constructing any main sewer, as would in the judgment of said board, be incurred in constructing an ordinary lateral sewer in the street where such main sewer is located, shall be assessed according to frontage, on the property fronting on said street, and the rest of the expenses of constructing such main sewer shall be assessed according to frontage upon the property fronting upon such main sewer or upon any lateral sewer emptying into it; and said board is hereby authorized to extend the outlet of any sewer into the tide water of New York bay, the Hudson or Hackensack rivers, or under the Morris canal, at such time and in such manner as may be deemed by them necessary or expedient; *provided*, that all assessments for sewers in the ninth, tenth and eleventh wards of Jersey City, formerly and respectively the first, second and third wards of Hudson City, shall be assessed as originally intended and prescribed by the charter of said Hudson City, and by the ordinances of the board of aldermen of said Hudson City, in reference to sewer assessments, to wit: one-fourth of said assessments on the city, and to be paid by general tax; one-fourth on all lots benefitted, or drained by lateral sewers, but which do not have a frontage on the sewer for which the assessment is levied; and the remainder, or one-half of the assessment, on all lots which have a frontage immediately on the sewer for which the assessment is levied.

Proviso.

Proviso.

Proviso.

Authorized to continue sewer now being constructed.

60. *And be it enacted*, That the said board is hereby authorized to continue the sewer now being constructed in what is called the Ravine road and Ferry street, in Jersey City, so as to connect with the sewer now running through Ferry street, in the city of Hoboken.

Proceedings in case of assessments for improvements commenced before passage of this act.

61. *And be it enacted*, That where any improvement, directed to be paid for by assessments, has been commenced before the passage of this act, but the final assessment therefor has not been confirmed, the said board shall, on completion of said improvement, refer it to the commissioners of assessments by this act provided for, to make and report the final assessment for such improvement, upon the pricinples on which the final assessment was to be levied,

according to the laws in force at the time when such improvement was ordered to be made, and upon the filing of said assessment with the clerk of said board, the same proceedings shall be had with regard thereto, and with the same force and effect in all things, as are provided for by this act, with regard to an assessment for paving a street; *provided, however*, that in case such improvement be the construction of a main or lateral sewer, the said assessment shall be levied according to the provisions of section fifty-nine of this act; *and provided further*, that nothing in this act contained shall apply to any improvement completed more than five years ago; and where any final assessment heretofore has been made on principles different from those on which the preliminary assessment was or ought to have been made, such final assessment shall be, and hereby is set aside, so far as the same remains uncollected, and a new assessment shall so far be made by the commissioners of assessment, on the principles of the preliminary assessment, and when confirmed by said board shall constitute a lien on the property assessed, and be collected as other assessments; and in making any assessment under this act, the territory by this act added to Jersey City, as it heretofore existed, shall be taken into consideration by the commissioners of assessments in like manner as if it had always been within the limits of Jersey City.

Proviso.

Proviso.

Assessments heretofore confirmed to be collected.

62. *And be it enacted*, That all final assessments heretofore confirmed according to law, but not yet collected, except as hereinbefore otherwise provided, shall be collected in the manner provided for the collection of assessments made under this act, and in all such assessments, where the time for the payment thereof is not now fixed according to law, as well as in all assessments made under this act, the said board of public works may fix the time for payment of the same, from which time interest at the rate of twelve per centum per annum shall be collected upon all sums unpaid, except as otherwise in this act provided.

Interest to be charged on assessments for street or sewer improvements until paid.

63. *And be it enacted*, That any assessment upon any property for any street or sewer improvement shall be due and payable thirty days subsequent to the confirmation of the same; and if any such assessment shall not be paid within thirty days from the date of the confirmation of the same, interest at the rate of twelve per centum per annum, shall be charged and collected on said assessment until the same shall be paid, or the property on which the assessment was

laid shall be sold as elsewhere provided in this act; and any assessment heretofore made and confirmed, or which may hereafter be confirmed, shall be payable at the time and assessed in the manner prescribed by the laws and ordinances that were in force at the time the improvement was ordered to be made.

May extend Warren street.

64. *And be it enacted*, That the said board may extend Warren street southerly to the made ground now occupied by the New Jersey Central Railroad Company; and for the purposes of carrying out any power by this act delegated to them, the said board is authorized to construct such piling, trestle work, crib work and bridging upon and over the land covered with water within the limits of Jersey City as may be expedient; and the title of the State of New Jersey to the said land under water, so far as may be necessary for the purposes aforesaid, is hereby granted to the said the mayor and aldermen of Jersey City; *provided*, that in the extension or construction of said streets the work shall be so done, and such draws shall be made, that as little hindrance as possible shall be presented to the ebb and flow of the tide and to navigation in the waters to be crossed, and in extending or opening the said streets the same proceedings shall be had as are herein provided for opening streets; said board may also, at any time in their discretion, extend Washington, Van Vorst and Henderson streets, or any street west of Henderson street, and may vacate South street, or any portion thereof.

Proviso.

Contracts for street improvements to contain a covenant.

65. *And be it enacted*, That all contracts for street improvements or the construction of sewers shall contain a covenant on the part of the contractor, that, in the prosecution of his work not more than (200) two hundre lineal feet of sidewalk and not more than (500) five hundred lineal feet of any street or road shall be made impassable for foot passengers or vehicles at any one time; that the roadways and sidewalks shall be put in proper order, and all obstructions removed as fast as the work shall progress, and that the entire improvement shall be completed within a reasonable time therein to be limited, and the contractor shall be liable for all loss and damage occasioned by a breach of said covenant, not only to the city, but also to all persons sustaining loss or damage thereby, and the board of public works shall also in all such contracts take care to reserve to the city not less than fifteen per centum of the amount to be paid until

the whole work shall be completed, approved and accepted; and the contractor shall be required to give satisfactory security for the faithful performance of his contract according to its terms.

No certiorari shall be granted to stay any street or sewer improvements.

66. *And be it enacted*, That no certiorari shall be granted or allowed to stay any proceedings (except the collection of the final assessment), for any street or sewer improvements unless the writ be allowed before the filing with the city clerk of a copy of the resolution for the payment of awards, in case awards are to be paid, or before the making of the contract, in case a contract is to be made; *provided*, that if the applicant for such writ shall, before the filing of such resolution or the making of such contract, file with the clerk of the board of public works a written notice of his purpose to apply for such certiorari, such writ may be granted or allowed, and served at any time within thirty days after the filing of such notice; and the filing of such resolution or the making of such contract shall be delayed by said board until the expiration of said thirty days, and if any final assessment shall be changed or set aside on certiorari, the court changing or setting aside the same shall either specify the particulars in which said assessment shall be changed, or shall appoint three discreet and impartial freeholders, resident in Jersey City, to make a new assessment, which new assessment shall be made by said freeholders, as the commissioners of assessment should have made the same, and shall be of the same force as if so made by the commissioners of assessment.

Proviso.

Fees of clerk for making return of writ of certiorari.

67. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove proceedings for street or sewer improvements, it shall be lawful for the clerk making out the return to said writ to charge and receive from the prosecutor in such certiorari on presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges, and which shall be repaid to the prosecutor of such writ, by the defendant therein, together with all other taxable costs in that suit, in case the said proceedings shall be reversed.

Power to regulate and charge fees for use of wharves, &c.

68. *And be it enacted*, That the said board of public works shall have power to regulate the use of all public bulkheads, docks, wharves and piers, and the fees to be charged for the use thereof, which fees shall be collected under the direction of said board and paid into the city treasury for the use of

the city; *provided* that all such structures shall be built in accordance with the exterior lines established by law, and shall not interfere with any valid grants heretofore made by the State; and the expense of constructing any public bulk-heads, docks, wharves or piers, shall be borne by the city at large, and paid by general tax. Proviso.

69. *And be it enacted*, That the said board shall have power to purchase sites for, and purchase or construct a city hall, school houses, engine houses, a city hospital, alms houses, city prisons, and such other buildings as may be necessary for the purposes of this act, and shall make such repairs to public buildings as may be, from time to time, deemed necessary; and when any public building or land shall cease to be necessary for public uses, the said board of public works shall sell the same in the manner provided in this act, the expense of purchasing land and purchasing or constructing buildings for public use in said city, and of repairing public buildings, shall be borne by the city at large and paid by a general tax, and the moneys derived from the sale of public buildings or lands shall be paid into the city treasury to the credit of the appropriation of said board of public works. Power to purchase, construct and sell public buildings.

70. *And be it enacted*, That in all cases where the board of public works is authorized to make or levy any assessments for any improvements in said city, it shall be lawful for said board to direct the board of finance and taxation to borrow the amount of such assessment in anticipation of the collections thereof; whereupon it shall be the duty of said board of finance and taxation to borrow said amount, and the mayor and city clerk shall issue such evidences of indebtedness of the city therefor as said board of finance and taxation may direct. Mayor and city clerk to issue evidences of indebtedness.

71. *And be it enacted*, That in all cases where the whole or any part of the cost of any permanent public improvement is by this act directed to be borne by the city at large, and paid by general tax, it shall be lawful for the board of public works, by resolution, to direct the issue of the bonds of the said city for the purpose of raising the whole of such cost, to be borne and paid as aforesaid, or any part thereof, which bonds shall be in such sums, and shall run for such times, not less than twenty nor more than forty years from their date, as the board of finance and taxation shall direct, and shall bear interest not exceeding seven per centum per Bonds to be issued for cost of public improvement.

annum; such bonds shall be sold at not less than ninety-five per centum of their par value, and the proceeds thereof shall be applied to defraying the cost aforesaid.

May issue improvement certificates.

72. *And be it enacted*, That it shall be lawful for the said board of public works to cause improvement certificates to be issued under the hand of their president, attested by the signature of the clerk of said board, in such sums as may seem to them necessary, in payment for work done or materials furnished in improvements now or hereafter to be authorized, with such rate of interest, not to exceed seven per centum per annum, as they may deem best, which certificates shall be paid out of the moneys realized from the sale of bonds, or from assessments imposed for such improvements, and in default of the collection of the said assessments within twelve months of the date thereof, said certificates shall, on thirty days' written notice by the holder, be paid by the city, with the interest which shall accrue on the same, and the said certificates shall be transferable by endorsement, and be of like validity as security for their payment as the other evidences of indebtedness authorized to be issued by this act.

Materials procured under contract to be exempt from execution.

73. *And be it enacted*, That all materials procured, or partially procured, under contract, by the board of public works, shall be exempt from execution, and it shall be the duty of said board to pay the moneys due to the contractor for such material, to the judgment creditor of such contractor, under whose execution such materials might otherwise have been sold, on his producing to them due proof that his execution would have so attached, and such payment, to the amount of the judgment, shall be held as valid payment on the contract.

Contracts to be made in writing and deposited with the comptroller.

74. *And be it enacted*, That all contracts for materials or work shall be made in writing, and of each contract three copies shall be made, which shall be numbered with the same number, and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the comptroller of Jersey City, and one shall be retained by the board of public works.

Authority and control over Jersey City water and drainage works vested in Board of Public Works.

75. *And be it enacted*, That the board of public works is hereby authorized to take and convey into and through Jersey City, and to such other places adjacent thereto as may desire the same, such portion of the water of Passaic river flowing between the villages of Aquackanonk and Belleville

as may be required to furnish the inhabitants of the said places with a sufficient quantity of pure and wholesome water for domestic and other purposes; and all authority over the Jersey City water and drainage works shall be exercised exclusively by and through said board, and in pursuance of this authority the said board may employ all proper engineers, surveyors, clerks and other agents and assistants necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any grounds or water, for the purpose of making surveys and examinations for the same.

May take and hold lands for conveying water, &c.

76. *And be it enacted*, That the said board shall, for and in the name of the Mayor and Aldermen of Jersey City, take and hold any lands and other real estate necessary for the construction of any canals, aqueducts, reservoirs or other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying water into or through the said places, or for the construction of the sewerage works provided for in this act, or to secure and maintain any portion of the works, and in general may do any other act necessary or convenient for accomplishing the purposes connected therewith and contemplated by this act, and may distribute water through the corporate limits of Jersey City, and through such portions of the counties of Hudson and Bergen as the inhabitants may desire.

Proceedings in case of disagreement between the board and owners of lands.

77. *And be it enacted*, That in case of any disagreement between the board of public works and the owners of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or unknown, or insane, or shall be absent from this State, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons to examine such property and estimate the value thereof, or damage sustained thereby, and who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county.

Board to make compensation to owner.

78. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the said board shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in the said report, in full compensation for the property so required, or for the damage sustained, as the case may be, and thereupon the Mayor and Aldermen of Jersey City shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage.

Authority to use the soil under any road, &c.

79. *And be it enacted*, That the said board, in behalf of the Mayor and Aldermen of Jersey City, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley, or court, within this State, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface thereof to be restored to its original state, and all damages thereto to be repaired.

Power to issue bonds.

80. *And be it enacted*, That for the purpose of defraying the expense and cost of such lands as shall be taken or purchased for purposes connected with the Jersey City water works, and for constructing all works necessary thereto, said board of public works shall have power to order the issue of the bonds of said city, to be denominated on the face "Jersey City Water Scrip," to an amount in the whole not exceeding two and a half millions of dollars, including the amount already issued, bearing interest, payable semi-annually, not exceeding seven per centum per annum, and the principal payable in not less than fifteen nor more than fifty years from date, and the board of finance and taxation shall, on the direction of the board of public works, sell said bonds, from time to time, at public or private sale, at not less than ninety-five per centum of their par value, as the proceeds thereof may be required for the purposes aforesaid, and the payment of all interest accruing on said bonds, beyond the amount which may be paid from the rents received for the use of water, shall be provided for and paid by the board of finance and taxation, who are hereby authorized and required to raise and assess by tax such amount as may be necessary for the purpose, and a record of all such bonds issued or disposed of shall be kept by the board of finance and taxation, and copies of such records shall be made and delivered to the treasury of Jersey City, and all

moneys received therefrom shall be paid to the city treasurer.

Distribution and use of water.

81. *And be it enacted*, That the said board of public works shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the times of payment; and may erect such number of public hydrants, and in such places, as they shall see fit, and direct in what manner and for what purpose the same shall be used; all of which they may change at their discretion; and the owner and occupier of any house, lot, or tenement where water shall be taken shall each be liable for the payment of the price so fixed; and the said board shall, also, from time to time, fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon, in which Passaic water is not taken, if the same are situated upon any road, street, avenue, alley or court, through or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed shall be denominated water rents; and the said board shall from time to time determine and give public notice of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the times so fixed; and the said water rents shall, until paid, be liens upon the property charged therewith; and the said board may, at any time after the twentieth day of December, in each year, deliver to the board of finance and taxation of Jersey City, an account, certified under the hand of the president, of all such water rents and penalties for delinquency as are then due and remain unpaid, with the name of the owner or occupier of the lot liable to said rent, or whereon the water was used, for which said rent was charged, and a description or designation of such lot, and such certified account shall be filed in the office of the city clerk, and recorded in a book to be kept for that purpose; the said account and book, and duly certified copies thereof, shall be evidence of the facts contained therein, and the said board of finance and taxation shall, upon receiving said certified account, cause said lands to be sold for the payment of said water rents and penalties, and the interest thereon, from said twentieth day of December, at the rate of twelve per centum per annum, and also costs, charges and expenses of advertising and sale in the same manner as

Water rents.

said board of finance and taxation may be authorized by law to sell lands in said city for the payment of taxes thereon, and said proceedings, and the effect thereof, shall be the same in all things as if the said lands were sold for taxes, and until sale, the city collector shall have power to collect and receive said penalties, with interest thereon, at the rate of twelve per centum per annum, from such twentieth day of December, and the costs that may have accrued thereon, and shall, before such sale, certify to the city clerk what rents, penalties and interest thereon, contained in such certified account, have been since paid.

Term for which rent charged.

82. *And be it enacted*, That the said board shall make no contract for the price of using water, for a longer term than three years, and at the expiration of any term of lease, the price for the use thereof shall be adjusted according to the regulations then established.

Proceeds received from water rents to be applied to purchase of bonds, &c.

83. *And be it enacted*, That the board shall fix the aforesaid water rents or prices for water and assessments upon property situated where distributing pipes are laid, with reference to paying from the proceeds thereof, the interest and principal of the bonds issued for purposes connected with said water works, as they respectively fall due; and such portions of the said proceeds as may remain after paying all expenses for extending and maintaining the works, and raising, distributing the water, and salaries, wages and incidental charges, shall be applied, first, to the payment of interest upon the debt created for the construction of the works; next, to the purchase of the scrip or bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the board of finance and taxation, and allowed to remain as a sinking fund, to be applied to the payment of scrip at its maturity.

Proceedings in case of refusal to pay water rents.

84. *And be it enacted*, That if the occupier of any tenement or lot upon which any water rent may become due while the same is occupied by him, shall refuse or neglect to pay the same when due, the owner of such tenement or lot may pay such rent or penalties thereon with interest, and may recover the same, with lawful interest thereon, from such occupier, by action, or in case such occupier is the tenant or sub-tenant of such owner, by action or distress, to be made and conducted in the same manner as a distress for rent for said premises, such distress to be levied in six

months after such payment, and not to be levied for more than one year's rent, and penalties and interest thereon; and such rent, penalties and interest shall in no case be recovered by such owner of such occupier, unless, as between said owner and occupier, such occupier should pay the same.

Actions at law may be prosecuted or defended by the board.

85. *And be it enacted*, That the said board may prosecute or defend any action or process of law, or in equity, by the name of the Mayor and Aldermen of Jersey City, against any person or persons for money due for the use of water; for the breach of any contract, expressed or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass, or nuisance done or suffered to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water.

Penalty for injuring works, &c.

86. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property, used or required for procuring or distributing the water, or shall in any manner wilfully or maliciously destroy, injure or obstruct any works connected with the drainage of Jersey City, or shall unnecessarily or maliciously open any gates belonging thereto, or otherwise let off or waste the water, to the injury of any part of the said works, or shall in any way hinder or impede any of the operations intended to be accomplished thereby, he, she or they so offending, shall be considered guilty of misdemeanor, and on being convicted thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall be had; *provided*, such fine shall not exceed the sum of fifty dollars, nor the imprisonment the term of one year; and such criminal prosecution shall in no case impair the right of action for damages by a civil suit.

Proviso.

May make by-laws, rules, &c., for using water, &c.

87. *And be it enacted*, That for the security and proper management of the Jersey City water works and drainage works, and to prevent the waste or improper use of water, the said board of public works shall have power to make such by-laws, rules and regulations respecting the introduction of Passaic water into houses, tenements and manufactories, or other places where the same may be required, and

may, from time to time, regulate the use thereof, in such manner as may seem to them necessary and proper; and also to fix and determine of what size and forms, and of what materials, and in what manner private drains shall be laid and connected with the sewers or drain-pipes in the streets or thoroughfares in the city, and may fix the penalties to be recovered for breaches or evasions of all such rules; *provided*, such rules, regulations and by-laws are not inconsistent with the constitution and laws of the State of New Jersey, or of the United States; and the penalty imposed in any one case shall not exceed the sum of fifty dollars.

Proviso.

Authority to enter places where water is used.

88. *And be it enacted*, That the members of said board, and all engineers, superintendents or inspectors in their service, are hereby authorized and directed to enter at all reasonable hours any dwelling or other place where Passaic water is taken or used, or where unnecessary waste thereof is known or suspected, and examine and inquire the cause thereof, and the said members, engineers, superintendents and inspectors shall have full power to examine all service pipes, stop-cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, he, she or they so offending, shall be liable to such penalty, not exceeding ten dollars for each offence, as the said board may impose, and the supply of water may also be shut off until the required examination is made, and such alterations and repairs are completed as may be found necessary.

Penalty for refusing or obstructing any officer.

Penalty for interfering with water or works.

89. *And be it enacted*, That if any person shall place any stone, bricks, lime, sand, lumber, or any other article in such situation in any street, avenue, lane or alley, as to prevent access to any water pipe, stop-cock or fire hydrant, belonging to the Jersey City water works, or to any man-hole, side-culvert or gulley of any sewer or drain, or in such situation as to interfere with the regular action of such works, the owner or owners of such materials shall forfeit ten dollars for each day such articles are suffered to remain in such situation, after written notice to remove the same.

Fines and penalties how recovered.

90. *And be it enacted*, That all fines, forfeitures, and penalties imposed by or under authority contained in this act, may be sued and recovered by an action of debt instituted in the name of the mayor and aldermen of Jersey City, before any justice of the peace, or any court having cognizance in similar cases.

Lands taken not liable to taxation.

91. *And be it enacted*, That no real or personal estate taken, held, occupied or used for the Jersey City water works, or for any purpose connected therewith, shall be liable to taxation.

Owners of lots may drain the same.

92. *And be it enacted*, That the said board may permit parties owning lots off the line of any main sewer or lateral, to drain the said land into the said sewer or lateral, upon payment of such an assessment as may be deemed just; that where the construction of any such sewer or lateral shall obstruct the natural drainage of any lot or lots, the said board shall provide an outlet for said water, or permit the owner or owners of any such lot to drain into said sewer, under certain restrictions, or until they provide a sewer.

Lands benefitted by any sewer to be assessed for cleaning and repairing the same.

93. *And be it enacted*, That the said board shall have exclusive power over, and take full charge of the repairing and cleaning of all public sewers, and the necessary parts thereof, constructed in Jersey City, and that for the purpose of enabling the said board to pay the expenses incident to such repairs and cleaning, they are hereby authorized to impose on each lot of land in said city, benefitted by said sewer, and which shall have been assessed for building the same, embracing twenty-five hundred square feet of land or less, an annual tax not exceeding fifty cents, which said tax shall be a lien upon said lot, and shall be assessed and collected at the same time and in the same manner as water rents are assessed and collected.

Survey and estimate of cost to be made for constructing of any cross sewer.

94. *And be it enacted*, That before any cross sewer or other receptacle for flushing water shall be made or commenced, the said board shall cause the route for the same to be carefully surveyed and distinctly marked, and a correct map made thereof, and shall obtain detailed estimates of the probable cost of constructing the same, and shall give public notice by an advertisement, published at least two weeks in all the newspapers printed in the county of Hudson, of the time at which they will present certified copies of the said map and estimates to the circuit court, at a regular session thereof, to be held in and for the county of Hudson, and ask

for the appointment of commissioners hereinafter provided; and the said court, after receiving and considering the said map and estimates, and hearing the parties interested in the matter, shall appoint three judicious, disinterested men, not residents of the county of Hudson, as commissioners, to apportion and assess the estimated cost of said work upon all such real estate lying in Jersey City, or adjacent thereto, as will in their opinion be benefitted thereby.

Commissioners to assess cost upon real estate benefitted.

Commissioners to make report of all lands to be assessed.

95. *And be it enacted*, That the commissioners so appointed shall give public notice to all concerned, of the time and place at which they will meet for the purpose of performing the duties herein directed, by causing the same to be published at least two weeks in each newspaper printed in the county of Hudson; and they shall personally examine the route of the proposed work surveyed and marked as hereinbefore directed; and after hearing such parties as claim to be interested therein, and considering all matters relating thereto, shall make out and present to said court a report in writing, containing a list of all such land as in their opinion ought to be assessed for the payment of the cost of the said canal, and the proportion of the whole cost which ought to be charged to each separate parcel thereof; that every resolution of the board of public works affecting the interests of the city, shall before it takes effect, be presented duly certified to the mayor, and when so presented, if he approves it he shall sign it, if not, he shall return it with his objections in writing, and file the same within ten days with the clerk of said board, after he received it, and unless four (4) members of said board, at its next meeting vote to pass the resolutions notwithstanding said objections, the resolution shall be void.

Resolutions affecting the interests of the city to be approved by the mayor.

Proceedings in case the report is approved and confirmed.

96. *And be it enacted*, That if the report so made and presented shall be approved and confirmed by the said court, the clerk of the county of Hudson shall give notice thereof to the said board by delivering to them a certified copy of such report, with the action of the court in relation to the matter endorsed thereon; and the said board shall, on receipt thereof, be authorized to proceed and construct the said cross-sewer, and when completed, shall ascertain the whole cost of the same, and collect the amount so ascertained from the owners of the land so described in the report of the commissioners of appraisement, and in the proportion fixed therein, together with the legal interest accruing

thereon, from the time the amount is ascertained until the day of payment; and if the whole or any part of the sum or sums so ascertained or assessed shall remain unpaid for a longer time than thirty days after the date of a notice to be published by said board, that the canal or other work is completed, and payment is due therefor, the same measures shall be pursued to enforce the payment thereof as are directed for the collection of sewer assessments.

POLICE.

Power vested in commissioners.

97. *And be it enacted*, That the board of police commissioners shall elect one of their number to be president of said board, who shall hold his office for one year, and shall have a general supervision and control, under the direction of said board, of all the matters committed to said board, and shall perform such other duties as generally appertain to the office of president; and said board shall also have power to choose a clerk for said board, a health inspector, and such persons as may be necessary for the proper conduct of public hospitals and alms houses, and to appoint city weighers and measurers, and to define their duties, fix their compensation, and discharge them at pleasure, except as otherwise in this act provided.

Policemen and their compensation.

98. *And be it enacted*, That the said board shall exercise all powers, and be charged with all duties expedient for or incident to the police government of Jersey City; they shall have power to appoint a chief of police, at a salary not exceeding twenty-five hundred dollars per annum; so many captains of police as they may deem necessary, at a salary not to exceed thirteen hundred dollars per annum to each; so many sergeants of police and detectives as they may deem necessary, at a salary not exceeding twelve hundred dollars per annum to each; and so many patrolmen as they may deem necessary, at a salary not exceeding eleven hundred dollars per annum to each; *provided*, that said chief, captains, sergeants, detectives and patrolmen, do not altogether exceed one hundred and thirty in number; they may also appoint a police surgeon, at a salary not exceeding six hundred dollars per annum; and may make such rules and regulations as to the appointment, control, duties and dismissal of such officers and men as to them may seem

Proviso.

expedient for the police government of said city, and may alter such rules and regulations at pleasure; and all persons connected with the police department of Jersey City shall be exempt for the time being from jury duty and from militia duty in time of peace.

Power of police commissioners.

99. *And be it enacted*, That the said police board shall have power to regulate and control the city prison or prisons, the public alms-houses and hospitals within said city, and to provide and enforce such regulations as they may deem necessary for the protection of health within said city, and make and enforce such regulations and contracts relative to the reception and support of paupers in said alms-houses, and patients in said hospitals, and to the compensation to be paid by or for such patients as may seem to them expedient; the services of physicians and surgeons employed in the public hospitals shall be performed gratuitously, and only such physicians and surgeons shall be eligible for such service as are graduates of and hold diplomas from some recognized medical school or college; said board shall also have power to regulate or prohibit within said city the exhibition of caravans, circuses, or other shows of like nature, and to fix and collect license fees for the same, and generally shall have the power to establish and enforce such regulations, not inconsistent with the laws of this State, as shall tend to preserve peace, good order and decency within said city; and said board, and the police force under them, shall at all times aid and assist every department of said city government in the execution of the laws, ordinances or regulations in force in said city, they may also fix such penalties for the violation of any of their regulations as they may deem necessary, not exceeding the limits fixed by law of penalties imposed by the board of aldermen for violation of ordinances.

Commissioners shall hold no other office nor accept a nomination.

100. *And be it enacted*, That any one of the said commissioners who shall, during his term of office, accept or hold any other place of public trust or emolument, or who shall, during his term of public office, be publicly nominated for any office elective by the people, and shall not within ten days succeeding the same, publicly decline the said nomination, shall be in either case deemed thereby to have resigned.

Record of proceedings to be kept.

101. *And be it enacted*, That the said board of police commissioners shall keep a correct record of all their pro-

ceedings in a book or books provided for that purpose, and shall annually, in the month of May, submit the full reports of their transactions to the aldermen of Jersey City, which reports shall be published in the same manner as the mayor's message, and a copy shall be filed in the office of the city clerk.

May employ extra policemen.

102. *And be it enacted*, That in case of any riot, pestilence, or other emergency, the said board is hereby empowered to employ temporarily any number of extra policemen, at a compensation not to exceed three dollars per day.

Powers vested in police force.

103. *And be it enacted*, That the members of the police force shall all have the same powers in criminal matters within the limits of said city as constables to the several wards, and are hereby empowered to convey to and from the county jail, and the county workhouse, all prisoners who may be ordered to be so conveyed by any of the police justices of said city, or any justices of the peace; *provided*, that said policemen shall be entitled to receive no fees other than the compensation awarded to them as policemen of the city.

Proviso.

Power to arrest without warrant in certain cases.

104. *And be it enacted*, That the commissioners of police, and the several members of the police force of Jersey City, shall have power and authority immediately and without process to arrest and take into custody any person who shall commit, in the presence of such commissioner or member of the police force, or within his view, any breach of the peace, or offence directly prohibited by act of the Legislature, or by any ordinance or regulation of any board of Jersey City, but such commissioner or member of the police force shall, forthwith after such arrest, convey such offender before a justice of the peace or police justice of Jersey City, that he may be dealt with according to law.

Information furnished mayor and aldermen.

105. *And be it enacted*, That the said board shall, at all times, whenever consistent with the rules and regulations of said board, and with the requirements of this act, furnish all police information desired by the mayor and aldermen of Jersey City.

Duties of police officers.

106. *And be it enacted*, That it is hereby made the duty of the Jersey City police force, at all times of the day or night, within Jersey City, to preserve the public peace, prevent crime, and arrest offenders, and enforce all the laws of

the State concerning crimes, and also all the ordinances and regulations of the city.

Chief, custodian of stolen property.

107. *And be it enacted*, That the chief of police, under the direction of the commissioners, shall be the custodian of all stolen or unclaimed property that may come into his possession by virtue of regulations of the board, and all money or valuables seized on suspicion of having been stolen or improperly retained, and shall, on the first day of May and November of each year, cause the same to be advertised in one or more of the daily papers of the said city for three days in succession, when, if not claimed and ownership satisfactorily established, it shall be sold at public sale, and the proceeds paid into the treasury of the city.

Certain officers to retain their places.

108. *And be it enacted*, That until the said commissioners order otherwise, the present chief of police, captains and sergeants of police, and detectives and patrolmen of the police of Jersey City shall retain their present places as officials under this act, but they shall be liable to be removed or discharged by said commissioners at any time.

Term of office and compensation of police justices.

109. *And be it enacted*, That there shall be in said city three police justices, who shall each receive an annual salary of two thousand dollars, and hold office for the term of three years; they shall be appointed by the Senate and General Assembly, in joint meeting; in case of a vacancy, the governor of the State shall fill such vacancy until the said joint meeting appoint a person to such office, which shall be done at the next or any subsequent session of the Legislature, and the person so appointed by such joint meeting shall hold office for three years.

Powers of police justices.

110. *And be it enacted*, That each of the police justices shall have all the powers in criminal matters that justices of the peace in and for the several counties of the State now have, and for the purpose of recovering the penalty for violating any ordinance or regulation of said city he is hereby empowered on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of any board of the said city, to issue process, at the suit of said city, either in the nature of a summons or warrant, as to him may seem most advisable, against the person or persons so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable

in not less than five nor more than ten entire days; such process shall state what ordinance or regulation, by the defendant or defendants named therein, has been violated, and in what manner the same has been violated; and on the return of such process, or at the time to which the said justice shall have adjourned the same, the said justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; each of the said police justices is further empowered to inflict fines, not exceeding the sum of twenty dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, if found guilty, or in his discretion, to order such persons committed to the county jail or workhouse for any period not exceeding ninety days; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trial of small causes, and also an appeal as in all cases where an appeal may now be had from judgment in courts for the trial of small causes; in case the person arrested for any offence shall be a minor, each of said justices shall have the power in his discretion to inflict, or commute, or wholly remit the penalty prescribed for the offence committed by said minor; and each of said justices is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances or regulations of any board of said city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence, within the jurisdiction of the said justice, to be sent to the workhouse for such time as in his discretion may seem meet, and there to perform work in said workhouse, and to conform to the rules and laws of the same; *provided*, *however*, that such person shall not be sent to said workhouse to be confined there for a longer time than ninety days for any offence.

Proviso.

Proviso.

111. *And be it enacted*, That the officers empowered to serve any warrant issued by any of the police justices shall be, besides the constables elected or appointed within the

Officers empowered to serve warrants issued by police justices.

said city, the policemen of said city, and that said process shall be returned in the said manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the court for trial of small causes are returned; and that the defendant or defendants named therein shall if the police justice see fit to adjourn the hearing of the charge made and so order, enter into recognizances as near as may be in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process, or any proceeding to be brought for the recovery of the same, with such surety as may be approved by the police justice, unto the mayor and aldermen of Jersey City, for appearance on the day to which said hearing may be adjourned; and in default of appearance the said recognizance may be collected in the same manner as the same might have been, had the said recognizance been taken in a proceeding in courts for the trial of small causes.

Board to designate the place and time of holding justices' courts.

112. *And be it enacted*, That the board of police commissioners shall designate the place in said city where each of said police justices shall sit for the transaction of business, and the time when their court shall be opened upon each day, to the end that the administration of justice by said justices through the city may be facilitated and made convenient; and it shall be the duty of said police justices to be in attendance at the time and place so designated.

FIRE.

President.

113. *And be it enacted*, That the board of fire commissioners shall elect one of their number to be president of said board, who shall hold his office for one year, and shall have a general supervision and control under the direction of said board of all the matters committed to such board, and shall perform such other duties as generally appertain to the office of president.

Board to have entire control of the fire department.

114. *And be it enacted*, That the said board shall have the entire control and management of all the fire engine houses, hose carriage houses, truck houses and fire bell towers in Jersey City, and of all fire engines, hose carriages, truck carts, hooks, ladders, fire telegraph, fire bells, and other apparatus of every description belonging to said city connected with or appertaining to the fire department

thereof; *provided*, that repairs to said buildings shall be done under the direction of the board of public works; and in case any new buildings or land shall, in the opinion of said fire commissioners be needed for the purposes of the fire department, they shall so report to the board of public works, who in their discretion may procure the same; and in case the said fire commissioners shall cease to use any buildings previously used for the purposes of the fire department, they shall so report to said board of public works, who thereupon may sell or dispose of the same. Proviso.

115. *And be it enacted*, That the said board of fire commissioners shall have power to select for each steam fire engine in and belonging to said city, one driver, who shall receive a salary not exceeding seventy-five dollars a month; one engineer, who shall receive a salary not exceeding one thousand dollars per annum; one stoker, who shall receive a salary not exceeding one hundred dollars per annum; one foreman, who shall receive a salary not exceeding two hundred and fifty dollars per annum; and not more than fifteen hosemen who shall each receive a salary not exceeding seventy-five dollars per annum; said driver, engineer, stoker, foreman and hosemen shall constitute an engine company for such engine; the said board shall also have power to select for each hand fire engine in and belonging to said city, such complement of officers and men as they may deem necessary, not exceeding thirty-five in all, at salaries not exceeding the same limits, who shall constitute the engine company for each hand engine; they shall also have power to select for each hose carriage in and belonging to said city, a driver, at a salary not exceeding seventy-five dollars a month; they shall also have power to select for each truck car in and belonging to said city, one driver and one foreman, at salaries not exceeding the same limits; and not more than fifteen truckmen, at salaries not exceeding the limits fixed for the salary of hosemen, who shall constitute the truck company for each such car; they shall also have power to select a chief engineer of the fire department, at a salary not exceeding twenty-five hundred dollars per annum, and five assistant engineers, at a salary not exceeding five hundred dollars per annum to each; they shall also have power to appoint a clerk to said board, and such persons as they may deem necessary for the proper management of the fire telegraph

Officers of the fire department and their compensation.

Chief engineer and compensation.

and alarm apparatus of said city, and to define their duties and fix their compensation.

Power to make rules for governing the department.

116. *And be it enacted*, That the said board shall have power to define the duties of the said chief engineer, assistant engineers, foremen, drivers, stokers, hosemen and truckmen, and to fix such rules for their guidance, control and dismissal as they may think advisable; *provided*, that said engineers and drivers shall at all times, night and day, except when absent for the purpose of extinguishing fires, be in attendance at the building where their apparatus is kept.

Proviso.

Power to sell and convey personal property.

117. *And be it enacted*, That the said board shall have power to sell and convey any personal property pertaining to the fire department of the said city which they may deem unnecessary for the purpose of extinguishing fires in said city, and to purchase and hold any personal property which they may deem necessary for such purpose; *provided*, that the proceeds of such sale shall be appropriated to the use of such board for the purposes aforesaid; and that the said board shall also have power to provide and contract for the care and repair of all personal property hereby committed to or which may come under their control; *provided*, that their expenditures shall not exceed the amount appropriated to their use.

Proviso.

Proviso.

May disband fire companies.

118. *And be it enacted*, That the said board of fire commissioners is hereby authorized by resolution to disband and declare disbanded, any company connected with the fire department of Jersey City heretofore existing; *provided*, that any person who at the time of the disbanding of such company shall have been an active member thereof for one year, prior to the passage of this act, shall be entitled to all the privileges and immunities of exempt firemen, and shall receive a certificate to that effect from said board, signed by the president thereof, and attested with the city seal.

Proviso.

Members exempt from jury and militia duty.

119. *And be it enacted*, That the members of the fire department of Jersey City shall be exempt for the time being from jury duty, and from militia duty in time of peace.

Sections to apply to the board of fire commissioners.

120. *And be it enacted*, That sections one hundred and one hundred and one of this act, shall apply to and bind the members of the board of fire commsssioners, and said board as fully in all respects as they apply to and bind the members of the board of police commissioners and said board.

May regulate the construction of buildings, engines, &c., and prescribe the penalty for violation thereof.

121. *And be it enacted*, That the said board of fire commissioners shall have power to regulate the construction of buildings, engines, chimneys, pipes, flues and other things of like description, and the manufacturing, keeping, storing and use of explosive or easily combustible material, and the use of lights and fires, and generally to adopt such rules as they may deem fit for preventing the outbreak or spread of conflagrations, and they may also direct the removal or demolition (after due notice to the owner or occupant) of any building, structure, or other thing, deemed by them unsafe or unusually tending to produce or extend conflagrations; they may also prescribe penalties for the violation of any regulation or direction hereby authorized; *provided*, that each penalty shall not exceed fifty dollars, except where the penalty is for delay, in which case it may equal fifty dollars for each day's delay, and all writings attested under the hands of the president and clerk of said board, purporting to be copies of any of the regulations or directions of said board, shall be evidence of such regulations or directions in all courts and places.

Proviso.

Duty of chief engineer.

122. *And be it enacted*, That for the purposes of carrying out the powers delegated under the last preceding section, the chief engineer of the fire department, shall be the fire marshal of the city, whose duty it shall be to examine and report to said board any violation of such regulations, and any other matter tending to produce or spread conflagrations, and to take measures for carrying into execution the directions of said board under this act, he shall be in all things subject to the control of said board, and shall devote his whole time, care, skill and attention to the duties of his office, for the compensation hereinbefore fixed.

EDUCATION.

Meeting of board of education.

123. *And be it enacted*, That the board of education of Jersey City shall hold stated meetings, at least once in each month, at such time and place as they may designate; the first stated meeting of said board shall be held on the first Monday in May, at half past seven o'clock, in the evening, at the last place of meeting of the preceding board, and as soon as practicable after assembling, said board shall organize by choosing a president and clerk, and by estab-

lishing rules for its government, among which shall be one providing for the calling of special meetings.

Officers.

124. *And be it enacted*, That the board of education shall elect a city superintendent of public schools, who shall hold his office for one year, commencing on the third Tuesday in May in each year, a treasurer of said board, and such principals and vice-principals and janitors for the public schools in said city as they may deem necessary, who shall hold their office during the pleasure of the board of education for the time being; they shall also have power to establish rules and regulations for the opening, closing and managing of the public schools of said city; *provided* such rules and regulations do not interfere with the free tuition in such schools, of every child in said city between five and eighteen years of age, and are in other respects consistent with the laws of this State.

Power to establish rules, &c.

Proviso.

Power to provide public schools.

125. *And be it enacted*, That the said board of education shall have power to provide for such public schools, whether day schools or night schools, within said city, as in their judgment may be necessary for the free tuition of every child in said city between five and eighteen years of age; *provided*, that if any other buildings or lands be necessary for that purpose than such as are now in use for school purposes, said board may so report to the board of public works, who may then in their discretion provide such other buildings or lands; said board of education shall also report to said board of public works any repairs that may be needed to any building used for school purposes, to the end that said board of public works may cause the same to be made, and in case said board of education cease to require any buildings or lands heretofore used for school purposes, they shall so report to the board of public works, who thereupon may sell or dispose of the same.

Proviso.

Power and duties of board.

126. *And be it enacted*, That the board of education shall define the duties and fix the compensation of its clerk, and of the principals, vice-principals, teachers and janitors of public schools, and shall provide everything necessary for, or appertaining to the proper conduct of public schools in said city, except as otherwise in this act provided; and said board shall have power to expend not only so much of the taxes as may be levied in said city for the support of public schools, but also such portion of the State school fund as shall be apportioned to the said city, or any part thereof,

and generally said board of education shall exercise the powers and perform the duties assigned by general law to the boards of trustees of school districts, except in relation to real estate.

Compensation of superintendent.

127. *And be it enacted*, That the city superintendent shall receive an annual salary of three thousand dollars, and shall perform the duties and exercise the powers within said city which would otherwise belong to a county superintendent, and shall perform such other duties, and exercise such other powers in relation to the public schools in said city as the board of education may assign to him.

FINANCE.

President and other officers.

128. *And be it enacted*, That the board of finance and taxation shall elect one of their number to be president, who shall hold his office for one year, and shall have a general supervision and control, under the direction of said board, of all the matters committed to said board, and shall perform such other duties as generally appertain to the office of president; they shall also have power to choose a clerk, and to appoint such other agents as may be necessary for the discharge of their duties and to fix their compensation.

Power and duties of the board of finance and taxation.

129. *And be it enacted*, That to the said board of finance and taxation are hereby committed the general management and care of the finances of said city, and the several departments thereof; it shall, after considering the estimates and recommendations of the several boards, annually during the month of July, fix the amount to be raised by tax each year for the various purposes of this act, and the amounts so fixed shall be the appropriation and limit of expenditure for the said purposes, except where by this act otherwise provided; it shall negotiate the sale of all bonds of Jersey City proper to be issued under this act; it shall have power to issue and sell bonds of Jersey City, payable in not less than twenty nor more than forty years, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, to an amount not exceeding five hundred thousand dollars, and to be disposed of at not less than ninety-five per centum of their par value, for the purpose of funding or paying off the floating debt of said city heretofore incurred, or to be incurred prior to the receipt of taxes levied during the year one thousand eight

hundred and seventy-one; the said board of finance and taxation are hereby authorized to issue and sell bonds of Jersey City, payable in not less than twenty nor more than forty years, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, to an amount sufficient for the conversion and liquidation of all bonds of Jersey City, which are now outstanding and payable in less than twenty years from the date of their issue.

Bonds of city to be sold under direction of board of finance.

130. *And be it enacted*, That all bonds of said city to be issued and sold for any purpose under any provision of this act, shall be issued and sold only on the concurrence of three members of the board of finance and taxation, and under direction of said board, at public or private sale, as may seem to said board best for the interests of the city; *provided*, that the net price realized for such bonds shall be not less than ninety-five per centum of the par value thereof; and whenever any board of the city government shall need any money, which such board is authorized to expend, and which, under this act, may be raised by the sale of bonds of the city, such board may notify the said board of finance and taxation to that effect, who shall thereupon proceed to dispose of the necessary amount of such bonds, and the bonds so disposed of the mayor and city clerk shall, on the requisition of said board of finance and taxation, sign and seal with the city seal, in the manner provided by law, and the said bonds shall be in such form as said board of finance and taxation shall fix.

Proviso.

Bonds and other evidences of indebtedness binding on the city.

131. *And be it enacted*, That all bonds and other evidences of indebtedness of the city, issued under this act, shall be binding on the mayor and aldermen of Jersey City, and that all real and personal estate of the said The Mayor and Aldermen of Jersey City, and all real and personal estate within the limits of said city shall, in all courts and places, be held liable for the payment of the principal and interest thereof, and all such bonds and other evidences of indebtedness of the said city hereafter issued and payable in not less than twenty years from their date, shall be exempt from taxation.

Authorized to borrow money and issue bonds or other evidences of indebtedness.

132. *And be it enacted*, That the said board of finance and taxation is hereby authorized to borrow money for the use of said city, or any department thereof, upon the requisition of such department, in anticipation of taxes to be levied during the then current year, or assessments for

improvements then in progress, and to issue proper evidences of indebtedness therefor, to be signed by the mayor, sealed with the city seal, and attested by the clerk of Jersey City; and the said board shall provide for the repayment of so much of said borrowed money as may be in anticipation of taxes, in the tax levy to be made next thereafter, unless the same be previously paid; and it is hereby made the duty of said mayor to sign, and of said city clerk to attest and seal with the corporate seal, any bonds or other evidences of indebtedness, the issue of which may be ordered under this act by said board of finance and taxation.

Board to fix rate of interest allowed banks on loans.

133. *And be it enacted*, That the said board of finance and taxation shall from time to time fix the terms upon which the funds in the city treasury may be deposited in bank, including among such terms the rate of interest to be allowed by the bank to the city upon deposits, and the rate of interest to be paid by the city to the bank on loans, and said terms shall be the same for all the banks now existing in Jersey City, and the moneys in the city treasury shall be deposited and kept in equal proportions, as nearly as practicable, in all of the city banks that may be willing to comply with such terms, and the money which said city may need to borrow from the city banks shall be borrowed in equal proportions, as nearly as practicable, from each of them; *provided*, that when any of said banks shall decline to make its fair proportion of the loans required by said city, the deposits with said bank shall be diminished accordingly, and for the purpose of carrying out the provisions of this section, the city treasurer shall make his deposits and direct his drafts under the general supervision and control of said board of finance and taxation.

Proviso.

Manner of disbursements of moneys from the city treasury.

134. *And be it enacted*, That moneys shall be disbursed from the city treasury in the following and no other manner: coupons, bonds, obligations, improvement certificates, and other evidences of indebtedness duly issued under the authority of the city, being due and payable, shall be presented to the city comptroller, if there be remaining from the appropriations therefor sufficient to pay the same; he shall write his name across the face of the instrument, and enter in his books proper memoranda of said instrument, and of the original payee and present owner thereof, taking care that the person claiming payment be entitled thereto; he shall then draw his warrant for the amount due upon the

city treasurer; in the warrant shall be also specified the purpose of the payment, and the name of the payee, and any number of such instruments may be included in the same warrant; this warrant, and the original instrument or instruments, shall thereupon be presented to the city treasurer, who, if there be funds sufficient in the treasury, shall direct said warrant, under his hand, to some depositary of the city funds for payment, and shall cause said original instrument or instruments to be duly cancelled and filed in his office as his voucher; and upon such warrant so directed, it shall be lawful for such depositary to make payment; in all other cases of claims against the city, a resolution directing the payment of such claim shall first be passed by the board which incurred the obligation, or has control of the department for which the obligation was incurred, which resolution shall state the amount to be paid, the purpose for which, and the person to whom payment is to be made; on filing a duly attested copy of this resolution with the city clerk, he shall draw a warrant upon the city treasury for the amount, and in favor of the person named in the resolution, stating also in such warrant the purpose of the payment, and shall retain in his office, in his warrant book, a memorandum of the same particulars; this warrant being first signed by the mayor and city clerk, shall be presented to the comptroller, who, if there be remaining of the appropriation therefor sufficient to pay the same, shall countersign it and enter the particulars thereof in his books; it shall then be presented to the city treasurer, who, if there be funds sufficient in the treasury, shall direct said warrant under his hand to some depositary of the city funds for payment, and take a sufficient receipt from the payee, which receipt he shall file in his office as his voucher, and upon such warrant so directed, it shall be lawful for said depositary to make payment.

Treasurer to receive all moneys and deposit the same.

135. *And be it enacted*, That all moneys received by any officer or agent of the city which should be paid into the city treasurer, including all license fees, fines, penalties and forfeitures, shall be delivered to the city treasury, by such officer, within twenty-four hours after he receives the same; and the city treasurer shall, within twenty-four hours thereafter, deposit the same with some proper depositary of the city funds, to the credit of the city treasurer of Jersey City, and to be drawn thence only in accordance with the pre-

ceding section; *provided*, that no bank holiday shall be considered as part of the said twenty-four hours.

Statement of moneys paid to treasurer to be filed with comptroller.

136. *And be it enacted*, That when any officer or agent of the city shall pay any money to the city treasurer, he shall also forthwith file with the city comptroller a statement, under his hand, of the amount so paid, and of the time of payment, which statement shall also show upon what account the said money came to the hands of such officer or agent, to the end that the city comptroller may enter the same correctly in his books; and when any money is paid to the city treasurer, by any other person than an officer or agent of the city, the said treasurer shall forthwith file with the city comptroller a similar statement, under his hand, of the moneys so paid to him.

Assessors, how appointed, term of office and compensation.

137. *And be it enacted*, That the said board of finance and taxation shall forthwith appoint one assessor for each aldermanic district in said city, who shall hold office for three years, unless sooner removed for cause by said board, and shall receive an annual salary of sixteen hundred dollars; but in case of the death, resignation, disability or removal of any of said assessors, said board shall appoint their successors, to hold for the unexpired term only; said board may also appoint such assistants to said assessors as may in the opinion of said board be required, and may fix their compensation; *provided*, that such assessors and their assistants shall reside in the district for which they are appointed, and that the entire compensation of the assistants to any one assessor shall not exceed eight hundred dollars per annum.

Proviso.

Board of assessors.

138. *And be it enacted*, That the assessors shall constitute a board of assessors, who shall confer together for the purpose of regulating the valuation of property in the several districts; each assessor shall, within his district, assess the taxes for city purposes as directed by the laws of this State for assessing township, county, and State taxes, in the following manner: they shall severally assess all real estate situated in their respective districts, both of residents and non-residents, and all personal estate situate in their respective districts belonging to non-residents in said city, and all the personal estate situated within said city, and also all the personal estate which is not elsewhere subject to taxation for township or municipal purposes, of the residents in their respective districts, except such real and personal estate as is by law exempt from the payment of taxes to the State,

and except also the real and personal estate belonging to the mayor and aldermen of Jersey City, and except mortgages on real property in the city, and such personal estate as is exempt by law from sale under execution; such assessments shall be made on valuing the said property at its fair value, and such assessor shall designate on his books, opposite each lot or parcel of land, the value thereof, and shall designate the value of personal estate which they assess to each person, and every person owning or having in his charge any real or personal estate in the said city, shall, on application of the said assessors, or either of them, disclose and specify the quantity and situation of such real estate, and the amount, nature and value of such personal estate, and if any person refuse to answer or give such information, when required, the said assessor shall assess the value at double the amount they may deem the same to be worth; and the amounts fixed in the manner hereinbefore provided by the board of finance and taxation, to be raised by tax for the various purposes of this act, shall be assessed and raised by such per centum on the whole valuation of said real and personal estate as may be required to make the same, and all taxes so assessed for said purposes shall be collected by the city collector in the same manner as he is by law directed to collect county and State taxes, and shall be paid over by him to the city treasurer as soon as collected.

Assessor to assess State and county tax.

139. *And be it enacted*, That except when otherwise provided, all State and county taxes shall be assessed by the assessors in like manner, upon the same property, as city taxes are assessed, but distinctly and in separate columns on their books, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector in like manner and under like penalties as township collectors are directed by law; *provided, however*, that the proportion or quota of tax to be levied and collected in said city for State and county purposes, shall be adjusted and fixed from year to year upon the same basis or ratio as by the laws of the State is or may be adjusted and fixed for the several townships in this State, for which purposes the assessors shall make a list of such persons and property as are by law liable to such taxes in their respective districts.

Proviso.

140. *And be it enacted*, That the corporation of Jersey City shall in nowise be required to contribute to any fund

or amount of money which may be ordered by the county authorities, or other power within the said county, by virtue of any act whatever, now passed or hereafter to be passed, in relation to bonds issued for war purposes, unless the quota, which said city would have been liable to pay, by reason of such enactment, shall exceed the amount which has been or may be actually appropiated by said city for such purposes, and that in such case the corporation aforesaid shall be liable to pay only such excess.

Corporation not required to contribute to any fund or amount of money in relation to bonds issued for war purposes.

141. *And be it enacted*, That the assessors of the several districts of said city, shall cause to be filed with the clerk of the city a transcript or duplicate of the assessments of taxes levied in the city on or before the first day of August, in each and every year; said transcript or duplicate shall be open to the inspection of the taxpayers of said city, for the period of thirty days from the filing of the same; and shall also, on or before that day, deliver another such transcript or duplicate to the clerk of the board of finance and taxation, said last transcript shall be delivered to the city collector, who shall proceed to collect the taxes so assessed, according to law; and he shall cause public notice to be given in the official newspapers in said city that the said taxes are due and payable, and what interest and penalties will be added for non-payment thereof, and what rebate allowed for pre-payment; and it shall be lawful for the aldermen of the city to pass, alter and repeal ordinances, prescribing penalties for disobedience of this section, to be recovered in the same manner as penalties for violation of other ordinances are to be recovered.

Assessors to file duplicate of assessments with the city clerk and board of finance.

Collector to collect taxes assessed.

142. *And be it enacted*, That it shall be lawful for the said board of finance and taxation, from time to time, to pass resolutions designating an office in said city which the assessors shall occupy during certain hours of such days or evenings, and for such period, not less than thirty days, as shall be fixed by said resolution for the purpose hereinafter named.

Office of assessors to be designated by board of finance.

143. *And be it enacted*, That it shall be the duty of each of said assessors to cause notice to be given in the official newspapers in said city for at least ten days, between the first day of May and the first day of June, in each year, and also by handbills, fifteen of which, at least, shall be posted in a conspicuous manner, in his particular district,

Assessors to receive statements under oath or affirmation.

during the said ten days (of the giving of which notice the affidavit of the assessor, filed in the city clerk's office, at any time before the meeting of the commissioners of appeal, shall be sufficient evidence); that they will be present at such place, and at such times as may be designated by said resolution to receive statements, under oath or affirmation, of the personal property liable to taxation of any person or persons, or any corporation, and the exemption or deductions claimed from taxation on real estate or personal property, by such persons or corporations; *provided*, that an oath or affirmation of any person shall not be conclusive as to the statement therein made.

Proviso.

Persons failing to make statement, assessor to make assessment

144. *And be it enacted*, That in case such statement shall not contain the particulars or specific account in the foregoing section named, and it shall appear to the commissioners of appeal that such person endeavored to act in good faith and without deception, he shall not be deprived of the right to appeal in order to correct such statement as to such particular or specified account, but for no other purpose; and if no such statement, under oath, be made, no relief shall be afforded on appeal, or in legal proceedings of whatever kind, and in such cases such assessments for taxes shall be made by the assessor, as to him may seem just and reasonable.

Commissioners of appeal.

145. *And be it enacted*, That the members of the board of finance and taxation shall be the commissioners of appeal in cases of taxation in Jersey City, and shall perform the duties and exercise the powers which by law pertain to such commissioners.

When persons are not deprived of the right to appeal.

146. *And be it enacted*, That if any person shall appear before the commissioners of appeal, and prove to the satisfaction of such commissioners, under oath, in writing, that he or she was absent from the State during the time in which such statement should have been left with the assessor, said commissioners shall not deprive him or her of his or her right of appeal; *provided*, that this section shall not be held to apply to any corporation, or to any person or persons engaged in business in said city, or having employees entrusted with such business *and provided further*, that such oath shall not be conclusive, but that the circumstances of the case may be investigated by said commissioners.

Proviso.

Proviso.

147. *And be it enacted*, That it shall be the duty of each of the assessors of said district to attend in person, or by

some person competent to discharge the duties incumbent upon each assessor, for whose conduct such assessor shall be responsible, at the time and place designated by said resolution, then and there to receive and accept such statements as shall be presented, which statements shall be deposited by the respective assessors with the commissioners of appeal in cases of taxation, at their first meeting, who shall in turn cause the same to be filed in the office of the city clerk.

Duty of assessors to receive statements and deposit the same with commissioners of appeal

148. *And be it enacted*, That if either of said assessors or commissioners of appeal shall neglect or refuse to perform any duty required by this act, he shall suffer the same penalties, to be recovered in the same manner as is now provided by law for neglect or refusal to perform the duties of his office.

Penalty for neglect of duty.

149. *And be it enacted*, That if any person shall deliver or send to any assessor, or to the commissioners of appeal in cases of taxation, any statement under oath or affirmation as aforesaid, which he shall corruptly believe to be false in any of the particulars or accounts authorized by this act, he shall be deemed and taken to be guilty of perjury.

Persons making false statements to be guilty of perjury.

150. *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 city purposes, shall pay the same, or any part thereof, to the city collector, before the twentieth day of December, of each year, it shall be lawful for the said collector to allow and deduct from the amount of tax so paid, interest thereon to be computed at the rate of twelve per centum per annum, from the time when the said tax shall be received by the said collector until the twentieth day of December, as aforesaid; on all taxes due and payable, which remain unpaid on the first day of January of any year, interest shall be charged and collected at the rate of twelve per centum per annum, from the twentieth day of December of the preceding year, until such taxes are paid, or until the property on which said taxes are assessed is sold under the provisions of this act; on all taxes due and payable which remain unpaid on the first day of January, in any year, an additional penalty of five per centum shall be added, and a further additional penalty of five per centum shall be added on all taxes which remain unpaid on the first day of February of any year.

Collector may allow and deduct interest on taxes if paid before a certain time.

Interest to be charged on unpaid taxes.

151. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands,

New Jersey State Library

Taxes and assessments to be a lien on lands.

tenements, or real estate, situate in said city, shall be and remain a lien thereon, from the time of the confirmation thereof until paid, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the board of finance and taxation to cause such lands, tenements,

Lands may be sold at public auction.

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 direct to be executed, under the common seal of the said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators, or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate for his or their proper use, against the owner or owners thereof, and all persons claiming under him or them, until said term shall

Proviso.

become completed and ended; *provided*, that the said board shall first have caused such sales to be advertised once a week for five weeks, in the official newspapers (or supplements thereto printed and published in 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

Proviso.

of the assessment, advertising and sale; *and provided, also*, that the lands, tenements, or real estate sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and in behalf of the owner or owners, mortgagees, or any creditor or creditors, under a judgment, attachment, or mechanic's lien, or claimant of such lands, tenements, or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for taxes or assessments, water rents, or sewerage taxes which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to pay, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city

stating the payment, and showing what lands, tenements, and real estate such payment is intended to redeem, shall be evidence of such redemption; the owner or owners, mortgagee, or any creditor or creditors, under a judgment, attachment or mechanic's lien, shall have power to redeem at any time, until the expiration of six months' notice in writing given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then by depositing such notice 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 for which any lands, tene- Proviso.
ments, or real estate are so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements, or real estate, until the time 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 term, quit and surrender the said lands, tenements, or real estate, in as good state and condition as when he entered thereon, natural wear and damage by the elements excepted; *provided, also*, Proviso.
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 said board may direct; *and provided*, that if at any such sale of lands, tenements or real Proviso.
estate, the whole or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawful for the said board to adjourn the said sale not less than thirty nor more than sixty days; twenty days' notice at least shall be given as aforesaid of 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-

Proviso. 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 as shall be paid by a mortgagee or other creditor, under a judgment, attachment or mechanic's lien, shall be a lien on said lands, tenements or real estate, for the amount so paid, with interest at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on sale of said lands, under any such judgment, attachment or mechanic's lien, shall be paid

Proviso. out of the proceeds of sale; *provided, further*, that a complete record of all taxes and assessments shall be kept in the clerk's office, which record shall contain the time when such taxes and assessments were confirmed, the time when they were paid (and if the property has been sold therefor, the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the city clerk to record in a book to be called "records of sales," all declarations of sale, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the city clerk's office.

Notice to be given of the expiration of time for redemption of lands.

152. *And be it enacted*, That it shall be the duty of the duty of the board of finance and taxation 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, once a week for sixty days, next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon; and in case any arrears of taxes or assessments shall remain unpaid, the city collector shall place the amount of said tax or assessment under the head of arrears on the next year's bill.

153. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owners of any

lands or chattels real in said city, in assessing the land or real estate for any street improvement authorized by this act, such assessment shall be valid and effectual in law against such lands or chattels real, and the same may be proceeded against and sold in the manner herein prescribed, with the same effect as though such assessment had been made in the name of the real owner or owners thereof; *provided*, that in the advertisement of sale of such land or chattels real for any street improvement, the name or names of the real owner or owners, if discovered, shall be made to appear.

Mistake in the name of owners of lands, &c., not to invalidate assessments.

Proviso.

154. *And be it enacted*, That in the county board of assessors each assessor of said city shall be entitled to cast four votes in all the proceedings of said county board.

Votes of assessors in the county board.

155. *And be it enacted*, That in addition to the other bonds authorized by this act, such an amount of the bonds of said city may be issued and sold as may be necessary to provide for any street or sewer improvement heretofore ordered or contracted for, and for any improvements and contracts heretofore made under authority of law for purposes connected with the Jersey City water works, and such bonds shall be payable in not less than twenty nor more than forty years, with interest not exceeding seven per centum per annum, payable semi-annually, and shall be disposed of for not less than ninety-five per centum of their par value.

Bonds may be issued for any street or sewer improvement.

156. *And be it enacted*, That bonds of said city, to an amount not exceeding two millions five hundred thousand dollars a year, bearing interest semi-annually, at a rate not exceeding seven per centum per annum, and payable in not less than twenty nor more than forty years, may be sold for not less than ninety-five per centum of their par value for the purpose of providing funds for the payment of the expenses of street or sewer improvements hereafter ordered or contracted for, and the moneys to be derived from assessments for any such improvements shall be appropriated to the payment of the interest of such bonds and the bonds provided for in the last section, and finally to the payment of the principal thereof; any amount of such moneys not presently needed for such interest or principal, may be used to pay the expense of other street or sewer improvements.

Amount of bonds to be issued.

157. *And be it enacted*, That improvement certificates issued by the board of public works on account of work or

Improvement certificates to be received in payment of any assessment.

materials in any street or sewer improvement shall be receivable by said city in payment of any assessment levied for the same improvement.

Proceedings of the several boards may be public.

158. *And be it enacted*, That the proceedings of the several boards provided for in this act shall be public, and their minutes may, in the discretion of each of said boards, be published in the official newspapers of the city, and each board, except the board of aldermen, shall annually, in the month of January, present to the board of aldermen a general statement of its proceedings.

Contract for work or materials to be purchased to be awarded to the lowest bidder.

159. *And be it enacted*, That no contract for work or materials shall be entered into, or purchase of personal property be made by, or on account of any board or department of the city government, except after due advertisement, for six days at least, in the official newspapers; whereupon the contract shall be awarded to, or the purchase shall be made of, that responsible bidder who offers the terms most advantageous to the city; *provided*, that nothing in this section contained shall apply to cases where the amount to be paid by the city, or to be raised by assessment for or on account of such contract or purchase, shall not exceed five hundred dollars; *provided further*, that nothing herein contained shall apply to repairs, when the safety or protection of public property, or the public convenience requires such advertisements to be dispensed with; and all sales of real or personal property belonging to said city shall be advertised in the official newspapers, or by notices put up for the same length of time as is required in sheriff's sales.

Proviso.

Proviso.

Penalty of any surveyor or engineer for making a false certificate.

160. *And be it enacted*, That if any surveyor or engineer employed to certify the amount or kind of material furnished, or work done by any person, or the amount of money due to any person for any purpose contemplated in this act, shall knowingly make a false certificate thereof, such surveyor or engineer shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by fine, not exceeding five thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

Aldermanic districts to be considered a township.

161. *And be it enacted*, That for the purposes of electing justices of the peace, each of the aldermanic districts of Jersey City shall be considered a township, and each of said districts shall be entitled to three constables and ten commissioners for taking the acknowledgment and proof of

deeds, but nothing in this act contained shall affect the tenure of office of any justice of the peace, constable or commissioner, as aforesaid, but such officers shall hold their office and exercise their powers as if this act were not passed.

Between what limits certain streets cannot be opened.

162. *And be it enacted*, That it shall not be lawful, for the term of fifteen years from the passage of this act, to lay out or open any public street east of Provost street, and west of Hudson street, as now located between Pavonia avenue and North Fourth street, except Meadow street from Pavonia avenue to a line one hundred feet north of North First street, and North First street from Meadow street to Provost street, and North First street from Pavonia avenue to a line one hundred feet north of the north side of Pavonia avenue, subject as hereinafter mentioned.

Certain dedications declared null and void.

163. *And be it enacted*, That any dedication to public use by making, filing or recording Mangin's map of Harsimus, or the laying down on that map, of any street running north and south, east of Provost street and south of Pavonia avenue, which is by this act hereinafter declared unlawful to lay out or open, is hereby declared null and void.

Plans heretofore adopted varied in certain cases.

164. *And be it enacted*, That the sewers authorized to be constructed in Jersey City, by the water commissioners of said city, shall not be constructed on the plans heretofore adopted and authorized in that part of said city east of Provost street, and between Pavonia avenue and North Fifth street; and no sewer shall be constructed in that part of said city, except as hereinafter provided, but shall be so constructed as to drain the parts of said city lying west of Provost street, and between Pavonia avenue and North Fifth street, and along North First street west of Meadow street, as effectually and completely as it could be done by the plan heretofore authorized and adopted, and that for that purpose the sewers authorized to be constructed in North Second, North Third, North Fourth and North Fifth streets shall, at Provost street, intersect and discharge into a sewer of sufficient dimensions, to be constructed in Provost street to North Fifth street, and thence along North Fifth street easterly to the Hudson river, and at such a descent as will carry off the water at ordinary low tide, with the same flow as would have run along the sewers designed by the plans heretofore adopted.

165. *And be it enacted*, That in assessing the expenses for constructing any sewer on the plan fixed by the last section, which in any respect differs from the sewers authorized and established by the existing plan, the commissioners shall not assess upon any lands except the lands east of Provost street, and between Pavonia avenue and North Fifth street, now owned by the Long Dock Company, any greater expense than said lots would have been subject to if said sewers had been constructed on the plans now authorized and adopted; and any excess of such cost and expense over and above what would have been the cost if constructed on the present plans, shall be assessed upon and collected from the land lying east of Provost street, and between Pavonia avenue and North Fifth street, which are now owned by the Long Dock Company; and such assessments may be made upon, and levied and collected from said lands, by such proceedings and sale as now are, or may be hereafter authorized by law to assess, levy and collect the cost and expenses of other sewers upon and from the lands in said city made subject thereto.

Specification and description in advertisements, when sufficient.

166. *And be it enacted*, That in all cases where it is required by this act that real estate shall be specified and described in any advertisement, it shall be deemed a sufficient specification and description thereof if the advertisement names the street and limits in the street within which the land is located, and such advertisement shall have the same force and effect as if each lot or parcel of land was particularly described; *provided*, that this section shall not apply to advertisements of lands to be sold for the non-payment of taxes or assessments.

Proviso.

No inhabitant deemed incompetent to be a witness or juror.

167. *And be it enacted*, That upon the trial of any issue, or upon judicial investigation of any fact, to which issue or investigation the mayor and aldermen of Jersey City shall be a party, or in which it shall be interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city; and if any person shall be sued or impleaded by reason of 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 special matter in evidence at the trial.

Repealer.

168. *And be it enacted*, That the act entitled "An act to consolidate and make into one city, to be called Jersey City,

the cities of Jersey City, Hudson and Bergen, in the county of Hudson," approved March sixteenth, one thousand eight hundred and seventy, and all acts and parts of acts, general or special, inconsistent with this act, be and the same are hereby repealed; *provided*, the members of the board of aldermen and of the board of education, existing in Jersey City by virtue of said act of March sixteenth, one thousand eight hundred and seventy, shall continue in office until the beginning of the term of office of the members of the board of aldermen and of the board of education to be elected under this act, and no longer; but the board of aldermen and the board of education now existing in Jersey City, shall have the rights, exercise the powers, and perform the duties which are by this act assigned to such boards respectively under this act, and none others; and in all cases where any office is provided for in this act, the person now holding the corresponding office in Jersey City shall perform the duties and exercise the powers assigned to such office by this act, and none others, until an incumbent for such office is appointed and qualified by or under this act, and no longer, and shall receive therefor the same compensation which he has heretofore been entitled to receive, and no more; *and provided further*, that all ordinances now in force in said city, so far as consistent with this act, and applicable to the government hereby contemplated, shall remain in force therein until altered or repealed by ordinance, regulation or resolution under this act, and no longer; *and provided further*, that this repeal shall not affect the location of streets heretofore located, or suits now pending, nor operate to restore or revive any act or part of an act repealed by the said act of March sixteenth, one thousand eight hundred and seventy.

Proviso.

Proviso.

Proviso.

Powers of mayor and aldermen in former act ve ted in the board of finance and taxation.

169. *And be it enacted*, That nothing in this act contained shall be held to repeal or alter sections 182, 183, 184, 185 and 187 of the act entitled "An act to consolidate and make into one city, to be called Jersey City, the cities of Jersey City, Hudson and Bergen, in the county of Hudson," approved March 17, 1870, except that the power given by section 182 to the mayor and aldermen, or to the aldermen of Jersey City, shall be vested in the board of finance and taxation by this act created, and except that the said board of finance and taxation shall be ex officio the

commissioners of the sinking fund mentioned in section 184.

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

Passed March 31, 1871.

CHAPTER CCCCXXIX.

An Act to refund a certain Tax.

Preamble.

WHEREAS, in the year one thousand eight hundred and seventy, a certain tax was assessed under an act entitled "An Act concerning roads, in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy, upon a district which, by an act entitled "An Act to improve certain roads or avenues in the township of Hackensack," approved February sixteenth, one thousand eight hundred and seventy, was exempted from all township taxes for the improvement or repair of highways other than those imposed by said last named act, whereby said district was subjected to a double taxation, contrary to the intention of those interested in said acts; now, therefore;

Tax, how assessed and collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the year one thousand eight hundred and seventy-one the assessor of each of the townships of Ridgefield and Englewood, in the county of Bergen, shall assess, in addition to all other taxes in his said township, a tax equal in amount to that portion of the certain tax described in the foregoing preamble, which was raised in the present limits of his said township, upon all those parts lying in his said township, of districts which are described and numbered in and by said act, approved March tenth, one thousand eight hundred and seventy, as one, two, three and four, excepting from his assessment all that part lying in his said township, of the district described in said act, approved February sixteenth, one thousand eight hundred and seventy; and the collector of each of said townships shall collect said tax, and out of the same shall pay to

each owner of land in the part of the said excepted district lying in his said township, the amount actually paid on account of said certain tax referred to in said preamble, for said lands, and the said tax hereby authorized shall be assessed and collected at the same time and in the same manner as the other general road taxes in said township are assessed and collected.

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

Approved April 4, 1871.

CHAPTER CCCCXXXIII.

An Act to authorize the construction of a draw or swing bridge over the Elizabethtown creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Union, to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, with a suitable draw or swing therein of not less than forty feet in width, which bridge shall be located at or near the point where Spencer street intersects said creek at Elizabeth. Authorized to build bridge.

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 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 abutment thereof, or otherwise wilfully damage, or cause to be damaged, the said bridge or any part thereof, he or she so offending shall for every offence forfeit and pay the sum of fifty dollars, over and above the damage done to the said bridge, or any part thereof, to be recovered in an action of debt before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same, one-half Penalty for opening draw and injuring the bridge.

of said sum for the use of the prosecutor, and the other half for the use of said county, to be paid to the collector thereof.

Bridge to be maintained by board of freeholders.

3. *And be it enacted*, That the said board of chosen freeholders for the time being, shall at all times be bound to provide for opening the draw or swing in said bridge for the passage of vessels and boats, so that they shall not be subjected to unnecessary detention by reason of the same; and to maintain said bridge in good repair, and that in case it shall become necessary for the accommodation of persons and vehicles passing over, or of vessels or boats passing through the said bridge, to have the same put in the charge or care of some suitable person or corporation for that purpose, then and in that case it shall be lawful for the said board of chosen freeholders for the time being, to make such contract and regulations with such person, or with the city of Elizabeth, as they shall deem necessary for the better accommodation aforesaid; *provided*, they be in accordance with the preceding sections of this act; *provided*, that no person or corporation shall at any time charge or receive any toll whatsover for crossing the said bridge.

Proviso.

Proviso.

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

Approved April 4, 1871.

CHAPTER CCCCXXXIV.

An Act to confirm the Proof and Acknowledgment of Deeds, and other writings, taken by John L. Kanouse, late a Commissioner to take the Proof and Acknowledgment of Deeds, &c., in and for the County of Morris.

Preamble.

WHEREAS, it is represented that John L. Kanouse, of the township of Boonton, in the county of Morris, late a commissioner appointed and duly commissioned to take the proof and acknowledgment of deeds, &c., under a misapprehension as to the time when his term of office, as such commissioner, commenced, took the proof and

acknowledgment of certain deeds, and other writings, after his term of office had expired; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds, and other writings, taken and certified by the said John L. Kanouse, after his term of office expired, be and the same are hereby declared and made valid and effectual in law, and shall, in all courts, be held and taken, and adjudged to have the same force and effect as if the same had been taken before the expiration of his term of office. Acknowledgements declared valid.

2. *And be it enacted*, That this act shall be held and taken as a public act, and that it shall take effect immediately.

Approved April 4, 1871.

CHAPTER CCCCXXXV.

A Supplement to an act entitled "An act to incorporate the town of Union, in the county of Hudson," approved March twenty-ninth, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the town of Union, in the county of Hudson, be and they are hereby authorized to borrow any sum of money, not exceeding twenty thousand dollars in all, that they may find necessary for the purpose of purchasing a lot or lots, and erecting a school house thereon, within said town, and furnishing the same. Authorized to borrow money and erect a school house.

2. *And be it enacted*, That for the purpose of securing the payment of said loan, with interest, the town council may issue their bonds therefor, under the corporate seal of said town, and the signature of the chairman of the council, to the lenders of said moneys, in amounts not less than one hundred dollars each, with interest at the rate of seven per centum, payable semi-annually, with coupons attached, and to pledge the property and credit of said town for the payment of the same, which bonds it shall be lawful for said May issue bonds to secure payment of loan.

council to sell or assign, and one thousand dollars in amount of said bonds shall be made payable in one year from the date of their issue, and the same amount annually thereafter until the whole amount issued shall be redeemed, with interest thereon, which bonds shall be registered in a book to be provided and kept by said town for that purpose.

Assessor to assess a tax for payment of bonds.

3. *And be it enacted*, That in order to provide for the payment of the said loans as the same mature, with the interest which shall, from time to time accrue thereon, it shall be the duty of the assessor of the town of Union, annually, to levy and assess upon the real and personal estate in the said town of Union, and in the same manner as other taxes are now levied and assessed, such sums of money as will be sufficient to meet the annual payment of one thousand dollars, with the payment of interest on the whole loan remaining unpaid which shall accrue for the current year, which assessment shall be collected by the officer now or hereafter authorized by law to collect town taxes, and paid by him into the hands of the town treasurer, and shall be paid by said treasurer to the holders of said bonds as they become due.

Act to take effect when approved by a majority of legal voters.

4. *And be it enacted*, That this act shall not take effect unless it be first approved by a majority of such legal voters of said town who may attend and vote at the next town election, or at any subsequent town election, which votes shall be taken by ballot, to be written or printed with the words "for approval" or "against approval;" and if a majority of the votes cast at such election shall contain the words "for approval," then and in that case this act shall go into effect immediately; and if the majority of such votes shall contain the words "against approval," then this act shall be null and void, unless approved of at some subsequent election.

Council may borrow money and issue bonds.

5. *And be it enacted*, That the council of the town of Union shall, for the purpose of raising money to pay for the land and premises to be taken in widening Bergen line avenue, and the damages which may be awarded to the owner or owners thereof, borrow a sum of money sufficient to pay for said land and damages aforesaid, and all expenses of raising said money, and the interest which may accrue thereon before said bonds shall become due and payable, and may issue their bonds therefor, under the corporate seal of said town, and the signature of the chairman of said council, in such sums, and payable at such times as said council shall deem

proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said town for the payment of the same, which bonds it shall be lawful for said council and their successors to sell and assign; the money raised by the sale of said bonds shall be used by said council to pay for the land which shall be taken to widen said Bergen line avenue, and such damages as may be awarded to the owner or owners thereof, as aforesaid, and said bonds, when they become due, shall be paid by the treasurer of said town of Union, out of the moneys assessed and collected for the improvement of said Bergen line avenue.

Money raised by sale of bonds, how used.

6. *And be it enacted*, That the town council shall have power and authority, and they are hereby authorized to raise, by general ordinance, such sums of money as they may deem necessary, each and every year, to keep the street lamps, which may now or hereafter be erected, lighted either with gas or oil, as the said council shall elect; said sums shall be assessed, collected and raised as other taxes in said town.

Money to be raised by ordinances for certain purposes.

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

Repealer.

Approved April 4, 1871.

CHAPTER CCCCXXXVI.

An Act to provide for the erection of School Houses in the City of Elizabeth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Elizabeth be, and they are hereby authorized to borrow the sum of fifty thousand dollars, for the purpose of erecting, finishing, repairing and furnishing school houses in said city, and for the purchase of land on which to build the same, and

Authorized to borrow money and issue bonds for erecting a school house.

to secure the payment of the same by the bonds of said city, to be issued under the seal thereof, and to provide for the payment thereof from time to time by tax.

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

Approved April 4, 1871.

CHAPTER CCCCXXXVII.

A Supplement to an act entitled "A further supplement to an act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "and the supplement to said act, approved March twenty-fifth, one thousand eight hundred and sixty-three," in the first section of said act are hereby stricken out, and the word "three," in the same section, is hereby stricken out, and the word "one" inserted in the place thereof, so as to read "one year" instead of "three years;" that the time of redemption shall be one year after the sale of said lands, as provided in said act, and shall only apply to the township of Mullica, in the county of Atlantic.

Amendment.

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

Approved April 4, 1871.

CHAPTER CCCCXXXVIII.

A Further Supplement to the act entitled "An act concerning Inns and Taverns."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons to sell any ale, porter, beer or other malt liquors or cider as a beverage, within the township of Brick, in the county of Ocean, except it be at a regular licensed inn or tavern. Unlawful to sell malt liquors in Brick township.

2. *And be it enacted*, That any person or persons violating this law shall be fined fifty dollars for the first offence and one hundred dollars for the second offence, or imprisonment for six months, at the discretion of the court. Penalty for violation of this act.

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

Approved April 4, 1871.

CHAPTER CCCCXLI.

An Act to facilitate the collection of taxes in the township of East Brunswick, in the county of Middlesex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township collector of the township of East Brunswick, in the county of Middlesex, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township, during the year of our Lord one thousand eight hundred and seventy-one, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said tax and the costs thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one Collection of delinquent taxes to be enforced by public sale.

body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due, and in case where the township committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid, in the name of the township; the lands so sold to him to be the property of said township.

Collector liable for unpaid taxes on failure to make return to township committee.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquents, and shall verify the same by his affidavit attached thereto, and the collector neglecting or refusing to make such return and affidavit, on or before the annual township meeting for the election of officers, shall be liable to the township for all such unpaid and delinquent taxes not so returned.

Copy of returns to be recorded and posted in public places.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the committee of the township.

Sale to be published.

4. *And be it enacted*, That after the expiration of twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue, as aforesaid, for the collection of said returned and delinquent taxes.

Collector to sell lands for unpaid taxes.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the collector of the township shall, at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue, as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes, with the cost of advertising and sale.

6. *And be it enacted*, That immediately after such sale the township collector shall execute and deliver, to such

person or persons who may become the purchasers of said lands, a certificate of such sale. describing the piece or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands do not, within two years from the date of said certificate, appear before the said collector and deposit with him, for the purchase of said land, the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall, on demand, be paid to the party holding and owning such certificate. Certificate of sale to be delivered to the purchaser. Proviso.

7. *And be it enacted*, That if at the expiration of one year from the time of said sale, the owner or owners of any land so sold does not appear to redeem said land, as aforesaid, then the said collector shall execute to the holders and owners of said certificate a deed for the premises described therein in the corporate name of the township, the party receiving said deed to be at the expense of the same, and on delivery of said deed the sale shall be final, and the title of such land pass irrevocably to the holders thereof. Deed to be executed on failure of owner to redeem lands.

8. *And be it enacted*, That all acts inconsistent with this act be, and the same are hereby repealed, so far as the township of East Brunswick is concerned. Repealer.

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

Approved April 4, 1871.

CHAPTER CCCCXLII.

Supplement to an act entitled "An act to establish a system of Public Instruction," to provide for the establishing of a Graded School, in the town of Keyport, in the county of Monmouth, and State of New Jersey.

WHEREAS, the legal voters of the school districts, known as district number one, district number two and district number three, in the township of Raritan, in Monmouth Preamble.

county, in the State of New Jersey, did, upon such notice as the law provides, meet in their respective school houses, on the thirtieth day of January, one thousand eight hundred and seventy-one, and did order that said districts become consolidated, for the purpose of establishing a graded school in said town of Keyport,

Consolidation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said districts now known respectively as district number one, district number two and district number three, in the township of Raritan, in the county of Monmouth, and State of New Jersey, shall be consolidated into one district, and incorporated as such,

Corporate name.

under the style and title of "The Keyport District, number ——," said number to be such as the county superintendent shall hereafter designate.

District to be managed by board of education.

2. *And be it enacted*, That said Keyport district, number ——, shall be governed and under the control of a board of education, to consist of five members, who shall also be trustees of the same, three of which shall be elected, as provided for the election of officers in an act for the improvement of Keyport, but the respective terms of their office shall be such as is provided for trustees in the act to which this is a supplement; two shall be appointed by the county superintendent, each to serve two years, except the first year, when one shall serve but one year, after which year

Proviso.

said appointments shall be one trustee annually; *further*, said appointment of the county superintendent shall be made within ten days after the annual election of trustees.

Officers.

3. *And be it enacted*, That the said board of education shall have two officers, to wit: a president, who shall be elected annually at the first meeting for organization; and a district clerk, whose appointment and duties shall be the same as those provided for in the act to which this is a supplement.

Election of trustees.

4. *And be it enacted*, That the legal voters, residents within the said Keyport district, number ——, shall, immediately after this supplement shall have become a law, meet at a place to be designated by the county superintendent, who shall give due notice ten days previously, and the said legal voters so assembled, shall then and there elect their trustees, as aforesaid; and the county superintendent, upon notification of said election made to him in writing, and signed by the chairman and secretary of said meeting, shall

put on file the same in his office, and then immediately appoint other two trustees; *provided*, that the said board of trustees shall give place to such board of trustees, as shall be elected at the next regular annual election, and appointed within ten days therefrom, as is provided in section second of this supplement. Proviso.

5. *And be it enacted*, That it shall be the duty of the board of education, and trustees of said Keyport district school, to proceed without unnecessary delay, to effect the erection of a graded school building, as contemplated in this supplement. Authorized to erect a graded school building.

6. *And be it enacted*, That said board of education of Keyport district, number ——, shall have power and shall be authorized to sell the school property, consisting of the buildings, furniture and lands, belonging respectively to district number one, district number two and district number three, of Raritan township, in the county of Monmouth, and State of New Jersey, and to convey the same, said sales to be made at public auction; and the money to be so received, to be used in partial payment for the property to be provided by said board of education, for the use of Keyport district, number ——. Power to sell school buildings &c.

7. *And be it enacted*, That in addition to such moneys as may result from the sales as authorized in section six of this supplement, the board of education aforesaid are authorized and empowered to expend, for the object herein contemplated, the sum of twenty thousand dollars; and also such further sums as may be voted by the people by a two-thirds vote, as specified in section eighty of the act to which this is a supplement, or by such vote at a special meeting called for said purpose, said meeting to be called and conducted in the manner provided for in section eighty of the act to which this is a supplement; *provided*, that the whole amount, including the aforesaid twenty thousand dollars, and the sums realized by the sales of the properties aforesaid, and the sums ordered to be raised by tax aforesaid, shall not exceed the total sum of thirty thousand dollars; and said whole amount shall be applied to and used for the sole and exclusive purpose of purchasing a suitable plot of land, and for erecting thereon a suitable school building, with the necessary out-buildings and fences, and to provide a well, and make such walks, and provide such furniture and books Empowered to expend money. Proviso.

as shall ensure the education and comfort, and provide for the cleanliness of the children.

May issue bonds, &c.

8. *And be it enacted*, That in order to provide the sum of twenty thousand dollars for the purpose herein specified, the town commissioners, of the town of Keyport, are hereby authorized and directed, whenever called upon to so do by the board of education, in virtue of and by reason of this act, to issue their bond or bonds under the common seal of the town, and the signatures of the proper officers; said bond or bonds to be conditional for the payment of one thousand dollars yearly, and every year on account of the principal, together with the annual interest accruing thereon, so that the whole loan authorized by this section may be paid off in twenty years.

Assessor to assess amount of tax.

9. *And be it enacted*, That it shall be the duty of the district clerk to make an annual and timely notification to the assessor, of the amount of said twenty thousand dollars, within the meaning of section eight of this supplement, that shall be assessed, which sum shall be assessed and collected in the same way as are the town, county and State taxes.

Orders for payment of moneys to be accompanied by bills.

10. *And be it enacted*, That all orders given on the town collector for the payment of moneys, shall be in payment of moneys actually due, and said orders shall express for what said money is due, or be accompanied by a bill or bills properly vouched for the payment of which said order or orders is in good faith intended; *and further*, no order shall be a valid voucher for the collector, unless it have the signatures of a majority of the board of education, one of whom shall be that of the district clerk; *and further*, if said order be for teacher's salary, it must specify over the signature of the district clerk that said teacher has a legal certificate.

Proviso.

Proviso.

Section not to apply.

11. *And be it enacted*, That section seventy-nine of the act of which this is a supplement, and section eighty-one of said act, shall not apply to the Keyport district school.

Moneys raised or collected subject to certain regulations.

12. *And be it enacted*, That all moneys for the support of said school, raised or collected, or paid out, and all acts or regulations necessary for carrying out the provisions of this act, not herein provided for, shall be subject to the provisions contained in the act to which this is a supplement, entitled "An Act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven; and also a supplement to said act

approved March eleven, one thousand eight hundred and sixty-eight, and to which act aforesaid this also is a supplement; and the assessor, town collector and county superintendent shall have the same duties and remunerations as if this act had not passed.

Bonds exempt from taxation.

13. *And be it enacted*, That the bonds issued under and by virtue of this act, shall be exempted from taxation, and shall not be sold or negotiated for less than par.

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

Approved April 4, 1871.

CHAPTER CCCCXLIII.

An Act concerning roads in the township of Landis.

Application for laying out, or altering any road to be served upon chairman of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the notice now required by law, to be given by parties making application for the laying out, vacating or altering of any public road in the township of Landis, in the county of Cumberland, the person or persons making such application shall cause a notice thereof to be served upon the chairman of the township committee of said township, at least ten days' previous to the making of said application in open court, and that due proof of said service shall be made and returned to the court, with the proof that the advertisements have been set up as now required by law; and that no application shall be granted by the court for the laying out, vacating or altering any public road in said township of Landis, until the provisions of this act shall have been fully complied with.

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

Approved April 4, 1871.

CHAPTER CCCCXLIV.

An Act to authorize The Trustees of the Sharpstown School District Number Two, of Sharpstown, New Jersey, to sell and convey certain real estate.

Preamble.

WHEREAS, The Trustees of the Sharpstown School District Number Two desire authority to sell and convey certain real estate held by them in trust, as the property of, or for the use and benefit of the Sharpstown School District Number Two; AND WHEREAS, the moneys raised by such sale and conveyance to be used for the purpose of finishing and furnishing the school house now being erected by them in said district; therefore,

Authorized to sell and convey tract of land, and to execute a deed therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That The Trustees of the Sharpstown School District Number Two, are hereby authorized and empowered to sell and convey a certain tract of land situate in the village of Sharpstown, New Jersey, adjoining lands of Morris Peak, Nathan Kidd, and the heirs of John Casper, deceased, held by the said trustees in trust as the property of, or for the use and benefit of the said Sharpstown School District Number Two, and to make, execute and deliver a good and sufficient deed or deeds to the purchaser or purchasers of the same, and such deed or deeds being executed in due form of law shall pass and convey to the purchaser or purchasers of the same full and perfect title to the said tract of land.

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

Approved April 4, 1871.

CHAPTER CCCCXLV.

A Further Supplement to an act entitled "An Act to incorporate the Plainfield Fire Department, approved March third, one thousand eight hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the said Plainfield fire department, as mentioned in the first section of the act to which this is a supplement shall be so extended as to make the limits of the same in the city of Plainfield, in the county of Union, to conform to the city line, to wit: beginning at a point in the middle of Green Brook where the boundary line of the townships of Plainfield and Westfield intersect the boundary line of the counties of Union and Somerset, being also the middle of the Terrill road; thence southeasterly along the middle of said road, to the middle of South avenue, so called; thence southwesterly along the middle of said avenue to its intersection with the middle of the public road; thence southerly along the middle of said road, passing the residences formerly of C. O. Meeker, N. Kerr, D. Melick, and others to a point in the boundary line between the townships of Plainfield and Piscataway (being also the boundary line between the counties of Union and Middlesex,) thence westerly along said boundary line to the middle of the public road leading by the residences of E. P. Sanger, W. Mc. D. Coriell and others; thence northwesterly along the middle of said road and through lands of William H. Coriell, to the middle of Green Brook, being the boundary line between the said counties of Union and Somerset; thence northeasterly along said brook, the different courses thereof to the place of beginning, with the same rights, power and authority, and subject to the same restrictions as is mentioned in the original act, and the several supplements thereto. Limits of fire department extended.

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

Approved April 4, 1871.

CHAPTER CCCCXLVI.

An Act to facilitate the collection of taxes in the townships of Waterford and Winslow, in the county of Camden.

Collection of delinquent taxes to be enforced by public sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the townships of Waterford and Winslow, in the county of Camden, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and seventy, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said tax and the costs thereon, at public vendue, to the person or persons who will take the least quantity of said land to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due, and in case where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid, in the name of the township, the lands so sold to him, if any, to be the property of said township.

Collector liable for unpaid taxes on failure to make return to township committee.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquents, and shall verify the same by his affidavit attached thereto, and the collector neglecting or refusing to make such return and affidavit on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Copy of return to be recorded and posted in public places.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township,

one of said places to be the place where the election of said township was held, the same to be certified to and signed by the committee of the township.

Sale to be published.

4. *And be it enacted*, That after the expiration of twenty days the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue, as aforesaid, for the collection of said returned and delinquent taxes.

Chairman of committee to sell lands for unpaid taxes.

5. *And be it enacted*, That on the day mentioned in said notice or some adjourned day thereof, the chairman of said committee shall, at the hour mentioned in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes with the cost of advertising and sale.

Certificate of sale to be delivered to purchaser.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands do not, within one year from the date of said certificate, appear before the said committee and deposit with them for the purchase of said land the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall, on demand, be paid to the party holding and owning such certificate.

Proviso.

Deed to be executed on failure of owner to redeem.

7. *And be it enacted*, That if at the expiration of one year from the time of said sale, the owner or owners of any lands so sold does not appear to redeem said land, as aforesaid, then the said township committee shall execute to the holders and owners of said certificate a deed of the premises described therein in their corporate name, the party receiving said deed to bear the expenses of the revenue stamps and the acknowledging of the same, and on delivery of said

deed the sale shall be final, and the title of such lands pass irrevocably to the holders thereof.

Quorum.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time as they shall judge proper.

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

Approved April 4, 1871.

CHAPTER CCCCXLVII.

Supplement to an act to lay out avenues and streets in the city of Rahway.

Central line of Main street changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the central line of Main street in the city of Rahway, in front of and on the easterly side of the Second Presbyterian church, and as described and laid down on a map of said city from surveys under the direction of commissioners appointed under and by virtue of an act of the legislature entitled "An Act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Rahway," approved April fourth, one thousand eight hundred and sixty-five, be changed to conform to the following course, viz: the centre line of said Main street beginning at a point in the centre line of said street, as now established, twenty-one feet nine inches; north twenty-seven degrees thirty-six minutes east from station number ten (10), as now planted or marked in the central line of said street, and running thence south thirty-nine minutes west, parallel with the central line of said street, as now established, until it intersects the said central line at a point about twenty-one feet nine inches southeast of station number eleven (11), as now marked or planted in the centre line of said Main street, as now established; and that said above described line shall be the centre line of said Main street between the points above designated, said Main street to be sixty-six feet in width.

2. *And be it enacted*, That the common council of said city of Rahway shall proceed in the alterations of the lines of said street in the same manner as now provided by law in proceedings for the alteration and widening of streets. Alterations of lines of street, how made.

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

Approved April 4, 1871.

CHAPTER CCCCXLVIII.

An Act relative to Taxes in certain portions of the township of Brick, in the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons, corporation, company, or any body of persons living within the descriptive limits, beginning at a monument on the county line road dividing Ocean and Monmouth counties at the intersection of said road with the easterly line of Jackson township; thence easterly to a point near Robert Estel's house; thence southerly following the road from thence to Cedar Bridge; thence southwesterly to the intersection of said road with the dividing line between Brick and Dover townships; thence northwesterly along said Dover township line to the southeast corner of Jackson township; thence northerly along the dividing line between Jackson and Brick townships to the place of beginning, all being in the township of Brick, county of Ocean, may have the right to borrow money of any person or persons, corporation or company, and pay any State, county, township or district tax on the same, and the lender shall be free from any tax on the same; but this shall not bar any person or persons, corporation or company from borrowing money and the lender paying the tax on money so lent, nor shall it be deemed usury for the borrower to pay the tax. Borrower may make contract to pay tax.

2. *And be it enacted*, That this law shall not affect any existing agreement now in force. Agreements not affected.

3. *And be it enacted*, That no act shall be deemed to repeal or modify this act, unless so expressed, and this act shall take effect immediately.

Approved April 4, 1871.

CHAPTER CCCCXLIX.

A Further Supplement to the act entitled "An act to incorporate the city of Bridgeton," approved March twenty-ninth, one thousand eight hundred and sixty-four.

Power to hold and purchase lands and build school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tracts of land, school houses and other property now belonging to and vested in the several boards of trustees of the school districts within the limits of the city of Bridgeton, shall be and hereby are vested in the corporation of said city, and that the common council of the said city shall have power to hold the same, and to raise money for the preservation and repair thereof, and to purchase other land and build school houses thereon, as may from time to time be required for the use of the public schools of said city.

Common council to appoint school trustees and divide the same into classes.

2. *And be it enacted*, That the first school district in that part of said city formerly the township of Bridgeton, and the school district formerly the township of Cohansey, now parts of said city, shall be and hereby are constituted one school district, to be called the first school district of the city of Bridgeton, and when this act takes effect on the fourth day of July next, the school trustees then in office for the said two districts as heretofore constituted, shall cease to act, and it shall be the duty of the common council of the said city to appoint nine trustees for the said first school district of the city of Bridgeton, which said trustees shall be by the said council arranged into three classes to hold their offices, one class for one year from the fourth day of July next, one class to hold their offices for two years from that day, and one class to hold their offices for three years from that day, and afterwards the said council shall annually appoint three trustees to hold their offices for three years, and shall have power, in case of any vacancy, to fill the same; and the First, Second and Third wards of said city shall be equally represented in the board of trustees; and the board of trustees so appointed shall

Vacancies, how filled.

have and exercise all the powers and duties, except holding the property and repairing the school houses, prescribed by the acts constituting and regulating the public schools in the said two districts as heretofore constituted.

Common council to determine how much money shall be raised for use of public schools.

3. *And be it enacted*, That it shall be the duty of the common council of said city to determine how much money shall be raised and applied for the use of the public schools of said city, and the money so raised and applied shall be from time to time, as the same may be required, paid to the school superintendent of said city, who shall apportion the same among the several school districts in proportion to the number of children therein respectively entitled to attend the said schools.

Repealer.

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

Approved April 4, 1871.

CHAPTER CCCCL.

An Act to straighten the boundary lines between the townships of Oxford and Washington, in the county of Warren.

Commissioners to run and mark line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert L. Garrison, William H. Scranton and Caleb H. Valentine, surveyors, are hereby appointed commissioners to run the line and to suitably mark and establish the same, whereby the lines between the townships of Oxford and Washington shall be changed and straightened as follows, to wit: beginning at the present corner of Oxford, Mansfield and Washington townships, in the Van Nest Gap; and running thence in a southwesterly direction to a corner to be established near the residence of John Pott; thence in a northerly direction to the east of Samuel Gardner's residence to a corner to be established in

the present line of division of the townships of Oxford and Washington.

Territory set off.

2. *And be it enacted*, That the territory lying west of said line shall be set off to the township of Oxford.

Expense, how paid.

3. *And be it enacted*, That the expense of running said line shall be paid by the township of Oxford as soon as the said commissioners shall have filed a copy of their survey for record with the clerk of the county of Warren.

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

Approved April 4, 1871.

CHAPTER CCCCLI.

An Act to authorize the trustees of the Williamstown School District Number Two, in the township of Monroe, in the county of Gloucester, to borrow money by issuing bonds to purchase land, and to build a school house.

Trustees authorized to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Williamstown school district number two, of Monroe township, Gloucester county, New Jersey, be and they are hereby authorized to borrow any sum of money not exceeding ten thousand dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon within said school district, and furnishing the same.

May issue bonds.

2. *And be it enacted*, That for the purpose of securing the payment of said loan with interest, the said trustees may issue bonds in their corporate name and capacity, to the lenders of said moneys in amounts not less than one hundred dollars each, with interest at the rate of seven per centum, payable annually; of which said bonds one thousand dollars in amount shall be made payable in one year from the date of their issue, and the same amount annually thereafter until the whole amount issued shall be redeemed with interest thereon, which bonds shall be registered in a book to be provided and kept by said trustees for that purpose, and

shall be assignable at law, and shall be a first lien in the nature of a mortgage upon the lot of land and house thereon, to be purchased and built with the proceeds thereof, and such lien may be enforced by any court of competent jurisdiction in the same manner as ordinary mortgage liens now are or hereafter may be enforced; *provided*, that the lien of such bonds may be postponed to the lien of a mortgage for consideration money on the purchase of said lot of land, and it shall be lawful for said trustees to provide by contract in said bonds to pay the whole or any part of the tax to be levied and assessed on the same in the hands of the holders. Proviso.

Tax to be assessed for payment of bonds.

3. *And be it enacted*, That in order to provide for the payment of the said loans as the same mature, with the interest which shall from time to time accrue thereon, it shall be the duty of the assessor of the township of Monroe, annually to levy and assess upon the inhabitants of the said district, and their estate according to the boundaries of said district, and in the same manner as other school taxes are now levied and assessed, such sums of money as will be sufficient to meet the annual payment of one thousand dollars, with the payment of interest on the whole loan remaining unpaid which shall accrue for the current year, and five per centum added thereto for losses and contingencies, which assessment shall be collected by the officer now or hereafter authorized by law to collect township taxes, and shall be separately accounted for by him, and paid over to the holders of said bonds on orders to be made and signed by the district clerk of said district, and one or more of the trustees; and if any surplus shall remain in any year after meeting the payments due for that year, the same shall remain and be applied toward the amount accruing for the next year, and if any deficiency shall occur, the same shall be added to the assessment for the ensuing year.

President to receive the funds and give security.

4. *And be it enacted*, That the funds raised by the negotiation of said bonds shall be received by the president of the board of trustees, of said school district, and shall be accounted for by him to the district, and be used for the purposes mentioned in the first section of this act; and such president shall, before he receives any portion of said loan, give good and sufficient security to the said district, by its corporate name, to be approved of by the trustees, for his faithful conduct in the execution of his office, and for rendering a just and true account of all moneys received and

paid out by him, and for the payment to his successor, in office, of any balance found in his hands; and said successor shall also, in his turn, give like security with like condition.

Act not to take effect unless approved by majority of legal voters.

5. *And be it enacted*, That this act shall not take effect unless it be first approved by a majority of such legal voters, of said district, who may attend and vote at any meeting of said voters held, after ten days' notice thereof given by the district clerk of said district, by at least five printed or written notices put up in five of the most public places within said district, setting forth the time, place and object of said meeting, which vote shall be taken by ballot, to be written or printed, or partly written and partly printed with the words "for approval" or "against approval;" and the board of trustees shall constitute a board of election of the said school meeting, and shall declare the result; and in case of the absence or failure to serve of any or all of said trustees, then the inhabitants so assembled shall choose two of their number who shall be the judges of said election; and the said district clerk shall be clerk of said meeting, and shall keep a list of all voters who shall vote at said meeting; and the poll shall be kept open at least two hours, and the ballots shall be numbered and strung, and the result certified in the same manner, as near as may be, as elections for members of assembly now are, and the said poll list and ballots shall be preserved and filed in the county clerk's office, and if the election shall result in an approval of this act, the said judges of election and district clerk shall make, sign and verify by oath or affirmation before a competent officer, a certificate of such result, which shall be filed and recorded by the county clerk in the book of religious corporations, and the record thereof or a duly certified copy shall be plenary evidence of such result, and the clerk of said district shall annex to such certificate to be filed and recorded therewith an affidavit of the posting of the notices of such meeting.

Trustees authorized to sell school house.

6. *And be it enacted*, That the trustees of said school district or their successors in office, be and they are hereby authorized and empowered to sell and convey a certain school house and lot, the property of said district, and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and

effectual in law, and to appropriate the proceeds thereof to the redemption of said bonds or building said school house.

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

Approved April 4, 1871.

CHAPTER CCCCLII.

A Further Supplement to an act entitled "An act to incorporate the city of Plainfield," approved April second, eighteen hundred and sixty-nine.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of said city, for the purpose of anticipating the collection of assessments, for opening, altering, widening, grading, paving or macadamizing streets, for grading, curbing, flagging, planking or cementing sidewalks, and for constructing sewers and underdrains, to borrow the amount of any such assessment or any portion thereof, to be expended only in payment of such improvement, and for that purpose to issue the bonds of the city, to be called improvement bonds of the city of Plainfield, and made payable not longer than six years from the date thereof, with interest at the rate of seven per centum per annum. Common council may borrow money and issue bonds.

2. *And be it enacted*, That no improvement bond of the city of Plainfield shall be issued except in accordance with a specified ordinance of the common council, detailing the improvement for which it issues, and each bond shall show on its face the distinct purpose of its issue, and that the total amount of bonds issued for the improvement of streets and the construction of sewers and underdrains, and for all the other purposes named in the first section of this act, shall not exceed in amount fifty-five thousand dollars, and they shall be denominated one, two, three, four and five year city improvement bonds, and each bond shall bear upon its face the time for which it issues, and when redeemable, and be signed by the mayor and city treasurer, attested by the Improvement bonds, how issued and the amount.

city clerk, and have affixed to it the corporate seal of said city.

Sinking fund, how formed.

3. *And be it enacted*, That all moneys derived from the collection of assessments and interest and expenses thereon, for which improvement bonds have been issued, shall constitute and form a fund to be called the sinking fund of the city of Plainfield, and shall be held, pledged and appropriated for the specific redemption of said bonds and interest thereon; and it may be lawful for the common council of said city, should the necessity arise, to make temporary loans from the general fund to the sinking fund, for the purpose of providing reasonable means for the payment of bonded interest as aforesaid.

Council may make temporary loans.

Commissioners of sinking fund.

4. *And be it enacted*, That the mayor and treasurer of said city, the president of the common council and chairman of the finance committee of said council, for the time being, shall constitute and be denominated the commissioners of the sinking fund of the city of Plainfield, and the said commissioners shall from time to time invest the moneys of said fund in the bonds of the United States or of the State of New Jersey, or in the seven per centum interest paying bonds of any of the counties or incorporated cities or towns of the State of New Jersey, or of Plainfield school district No. 1, or of Plainfield fire department, reserving ten per centum of the market value of the securities loaned thereon, and make provision for the payment of the improvement bonds of said city and the maturing interest thereon.

Manner of collection of assessments and duties of commissioners, &c., to be defined by ordinance.

5. *And be it enacted*, That it shall and may be lawful for the common council of said city to specifically define by ordinance the manner in which assessments shall be levied and collected, improvement bonds issued, registered and redeemed, and to prescribe the powers and duties of the commissioners of the sinking fund, and to make such regulations as may be necessary to carry into effect the true intent and meaning of this act.

Assessments to bear interest and to remain a lien on lands, &c.

6. *And be it enacted*, That any assessment made by virtue of the provisions of this act or of the act and supplement thereto to which this is a supplement, shall bear interest at the rate of eight per centum per annum, from the day the same is ratified by the city council, and not before, and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment with the interest and expenses accruing thereon be paid, or the amount

thereof discharged by the sale of the said lands or real estate by the city.

Expenses for improvements assessed on lands benefitted.

7. *And be it enacted*, That all expenses for improvements in opening, altering, widening, grading, paving or macadamizing streets, grading, curbing, flagging, planking or cementing sidewalks and constructing sewers or underdrains in said city, shall be assessed upon and paid by the lands and real estate benefitted by the same, in proportion to the benefit received.

No street, road, &c., to be paved against remonstrance of majority of the frontage of land.

8. *And be it enacted*, That no street, road, highway or alley, or any portion thereof within said city shall be paved or macadamized by any process or with any material, whether patented or not, against the written remonstrance of a majority of all the frontage ownership of land lying on said street, road, highway or alley proposed to be thus improved, and that whenever the common council of said city shall determine to cause any street, or section of any street, road, highway or alley to be paved or macadamized, then a majority in interest, as specified in this section, may agree with the contractor or contractors for doing the work, as to the price to be paid for the proposed improvement, and such stipulated amount as agreed upon shall be the price paid for the work when completed; *provided*, *however*, the agreement as to the price to be paid between the property owners and the contractor or contractors shall be made within the time fixed by an ordinance adopted by the common council providing for the contemplated improvement, and if for any reason the property owners fail to agree with the contractor or contractors within the time specified in the ordinance as aforesaid, then it shall be lawful for the common council to make the contract with the contractor or contractors and order the work done.

Proviso.

Street improvements, how made.

9. *And be it enacted*, That whenever the common council of said city shall determine to cause any street improvement to be made which shall contemplate the use of any patented process or materials, and the owners of one-half of the property in running feet along the line of the intended improvement, shall remonstrate in writing against the use of any specified patent in making such improvement, or petition for the use of any specified patent, the said common council shall cause the said work to be done in accordance with the request of such proportion of owners.

10. *And be it enacted*, That the duly elected members of

Time and place of meeting of common council.

the common council of said city shall assemble in the council chamber on the Thursday evening following the annual city election, at the hour of eight o'clock, for the purpose of having the official oath or affirmation administered to them, respectively, by the mayor or either of the city aldermen, and should the said common council not then organize, it shall be the duty of the city clerk to call the members elect together for that purpose within ten days after the date of their election.

Ordinances to be approved by the mayor.

11. *And be it enacted*, That every ordinance and supplement to an ordinance passed by the common council of said city shall, before it takes effect and becomes a law, be at once presented to the mayor by the city clerk, with a certification by said clerk as to the date of such presentation, and if the said mayor approve of it, he shall sign it; if not, he shall return it, with his objections, and file it and them with the said clerk within ten days after he received it, and the said common council shall, at its first meeting thereafter, or at the first subsequent meeting, enter the said objections at length upon its journal, and proceed to reconsider such returned ordinance or supplement, and if a majority of all the members of the said council agree to pass the same, it shall take effect and become a law, but in every such case the vote shall be taken by ayes and noes, and entered upon the journal, and if such ordinance or supplement shall not be returned within ten days as aforesaid, it shall take effect and become a law in like manner as if the mayor had signed it, and each and every ordinance or supplement so passed as aforesaid shall be attested by the city clerk and published in two newspapers printed in said city, if so many there be, ten days before such ordinance or supplement shall go into effect, and similar ten days' public notice shall be sufficient for the intended adoption by the said common council of any ordinance, supplement, or regulation.

May establish ordinances for paving and grading street intersections.

12. *And be it enacted*, That the common council of said city may make and establish ordinances providing for the assessment of the cost of grading and paving any street intersections, upon the owners of lands and real estate, to the centre of the block each way from the intersection thus improved.

13. *And be it enacted*, That whenever any street, or part of any street in the said city, occupied or used by the track of any railroad company, shall require to be altered or

widened for the convenience of public travel, or graded, paved, or macadamized, and proceedings for the altering or widening, or grading, paving, or macadamizing the same shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the city council and whose duty it may be to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening, and the costs and expenses of such grading, paving or macadamizing among the owners of all the lands and real estate benefitted thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city of Plainfield, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate benefitted thereby.

Commissioners to assess expenses and costs of grading, paving, &c., on owners of lands.

14. *And be it enacted*, That section five of an act entitled "A supplement to an act to incorporate the city of Plainfield," approved March seventeenth, eighteen hundred and seventy, be and is hereby amended by striking out, wherever they occur therein, the words "houses and lots," and inserting in lieu thereof the words "lands, tenements, and real estate."

Amendment.

15. *And be it enacted*, That all that part of section six of the original act to which this is a supplement, from the first proviso to the end of the section, be and the same is hereby repealed.

Repealer.

16. *And be it enacted*, That section sixteen of the act to which this is a supplement, and all acts and parts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

17. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately; *excepting*, *however*, so much of this act as relates to the issuing of improvement bonds embraced in the first six sections of this act, which part of the act as specified shall go into effect whenever approved by a majority of the electors of said city voting by ballot at the first annual election held for the purpose of electing city officers, conducted by the election officers of said city, and after at least ten days' public notice thereof shall have been given by the

Act, when to take effect.

Portion of act to be approved by majority of electors.

city clerk in two newspapers published in the city of Plainfield; those who are in favor of issuing improvement bonds shall each deposit a ballot with the words "improvement bonds" written or printed thereon, and those who are opposed to the issuing of improvement bonds shall each deposit a ballot with the words "no improvement bonds" written or printed thereon; and should a majority of the votes cast be in favor of improvement bonds, then that portion of this act submitted to a vote of the people shall go into effect immediately, and if otherwise, it shall be null and void.

Approved April 4, 1871.

CHAPTER CCCCLIII.

An Act appointing commissioners in School District Number Ten, of the township of Deerfield, Cumberland county, for the purpose of purchasing ground and erecting a school house thereon.

Commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Lummis, Adam H. Ott, Adam Fox, Edward R. Wood, Thomas Riley, Jacob Ott and Elwell Nichols, residents of district number ten, are hereby appointed, constituted and declared to be a board of commissioners, for the purposes and with the powers hereinafter defined and granted.

Empowered to borrow money to purchase a lot and erect a school building.

2. *And be it enacted*, That said commissioners, or a majority of them, are hereby empowered to borrow and expend a sum not exceeding nine hundred dollars, for the sole and exclusive purpose of purchasing a suitable plot of land within the limits of school district number ten, of said township of Deerfield, and for erecting thereon a public school building, with the necessary out buildings; and in order to provide for the repayment of the said sum of nine hundred dollars, the said commissioners, or a majority of thom, are empowered to direct the assessor of the said township of Deerfield, in each of the three years, including the present year and the two years next succeeding, to assess

upon the taxable property of the said district number ten, a sum equal to one-third of the amount borrowed, with the accrued lawful interest, and the collector of the said township of Deerfield shall pay the money collected on such assessments on the order of the said commissioners.

Time of meeting.

3. *And be it enacted*, That the said board of commissioners shall assemble on the second Monday in April next, at seven o'clock in the afternoon, and at such times as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board by electing a president and secretary, and a majority of the commissioners shall constitute a quorum for the transaction of business.

Limitation of powers of commissioners.

4. *And be it enacted*, That the powers of said commissioners shall cease on the second Monday of April, one thousand eight hundred and seventy-four.

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

Approved April 4, 1871.

CHAPTER CCCCLIV.

Supplement to an act entitled "An Act to incorporate The Shiloh Turnpike Company," approved April fifth, one thousand eight hundred and sixty-six.

Penalty for using and traveling on turnpike, and turning out on any road with intent to avoid payment of toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall enter upon the road of the Shiloh Turnpike Company with his or their carriage, team, horse or horses, by any public highway leading thereto, at any point between its toll gates, and use and travel upon said road for any distance, and turn out of said road upon any public highway leading therefrom with intent to avoid the payment of the toll due by virtue of the act to which this is a supplement, such person or persons shall forfeit and pay the sum of ten dollars, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

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

Approved April 4, 1871.

CHAPTER CCCCLV.

An Act to incorporate the Jersey City Board of Grain and Hay Weighers and Measurers.

Corporators.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James F. Fielder, Daniel H. Smith, William Elting, William Murrey and D. Lois Bliss, and their associates and successors be, and are hereby constituted a body corporate under the name of "The Jersey City Board of Grain Weighers and Measurers," and under that name may sue and be sued, plead and be impleaded, and by that name may exercise and enjoy all the rights and powers granted by this act.

Corporate name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same to any sum not exceeding two hundred thousand dollars, the same to be in shares of one hundred dollars each; and as soon as five thousand dollars of said stock shall have been subscribed, and ten per centum of the same paid in cash, it shall be lawful for the said company to proceed to business; and such stock shall be considered personal property, and shall be transferable in such manner as shall be provided in the by-laws.

Election of trustees.

3. *And be it enacted*, That the stock, property and affairs of said company shall be managed by a board of trustees, of not less than three or more than five persons, who shall all be stockholders and citizens of this State, to be elected annually by the stockholders at such times and in such manner as the by-laws shall prescribe; vacancies may be filled by the remaining trustees; a majority of the trustees constitute a quorum; the first board of trustees shall consist of the persons named in the first section of this act, who shall hold office until the first day of May, one thousand eight hundred and seventy-two, and until their successors are elected, and who shall have power to organize said company by the appointment of officers and the adoption of by-laws, and to proceed to business under this act, and may also fill any vacancies in their number arising from death or otherwise.

Vacancies, how filled.

4. *And be it enacted*, That it shall be lawful for the corporation hereby created to lease, purchase, hold, pledge, mortgage, sell and convey all such real and personal estate as they may deem necessary and consistent for carrying on the business of inspecting, weighing, measuring and moving grain, hay and flour; and may inspect, weigh, measure and move grain, hay and flour; and may charge, collect and receive reasonable compensation therefor. May lease, purchase, hold, &c., real estate, &c.

5. *And be it enacted*, That said company shall be the public weighers, inspectors and measurers of grain, hay and flour in and for the county of Hudson, and have power to give certificate for the same, and such certificate shall be prima facia evidence of the correctness of the weight or measure, as the case may be; *provided, however*, that nothing in this section contained shall conflict or render void any existing laws respecting public weighers, inspectors and measurers, or interfere with the laws governing any measurers of grain, or weigh-masters who may be appointed under any ordinance under a charter authorizing their appointment; it being intended hereby that persons may apply either to the said company or to such citizens as may be appointed by the city; but if the city makes no appointment, then the company may act for all who apply, and the city may appoint the trustees of said company to be measurers of grain and hay and weigh-masters. Company appointed county weighers and inspectors of grain, &c. Proviso.

6. *And be it enacted*, That every person or persons, natural or artificial, weighing, inspecting or measuring grain, hay or flour in the county of Hudson, and giving a certificate therefor as public weigher, inspector or measurer, unless he or they be public weighers, inspectors and measurers authorized by the laws of this State, shall forfeit and pay for each and every offence the sum of ten dollars, to be recovered, with costs, in an action of debt before any justice of the peace in Hudson county, for the use of the person prosecuting the same, and for the second and every subsequent conviction of the same person or persons, execution may issue against the goods, chattels and person of such defendant or defendants. Penalty for any person weighing inspecting, &c., grain, not authorized by this act.

7. *And be it enacted*, That the principal office of said company shall be in Jersey City, in the county of Hudson. Office.

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

Approved April 4, 1871

CHAPTER CCCCLVI.

An Act to incorporate the Newark, Harrison and Kearney Horse Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That N. N. Halstead, Stephen K. Jerolaman, H. W. Davis, Samuel Clark, William A. Ripley, Charles J. Gilbert, David Anderson, John Boyd, Jr., Henry Kenton, William H. McClare, Michael Coogan, J. C. Fuller, John Korb, and such other persons as may be hereafter associated with them shall be, and are hereby made, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Newark, Harrison and Kearney Railroad Company," and by that name shall be capable of purchasing, holding and conveying lands, tenements, real estate, goods and chattels necessary or proper for the objects of said corporation.

Corporate name.

Capital stock.

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

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, in the city of Newark or town of Harrison, or both, as they or a majority of them think proper, giving at least twenty days' notice of the same, in one newspaper published in the city of Newark, and at the time of subscribing ten per centum of the value of each share subscribed shall be paid to the commissioners, or one of them; and as soon as thirty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents

Election of directors.

of this State, and citizens thereof, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for the 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 be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred), to such directors so elected, and annually after said first election of directors, at a time and place to be fixed by the by-laws of said corporation, there shall be a meeting of the stockholders to choose seven directors, a majority of whom shall be citizens of this State, which election shall be conducted in accordance with the rules fixed by the by-laws of said corporation, and which directors shall hold their office for one year after being chosen.

Failure to elect directors not to dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be held upon 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, giving ten days' notice in the manner provided by law, and the directors for the time being shall continue in office until others shall have been chosen in their place; and in case of death, resignation or removal of any director during the year for which he may have been chosen, such vacancy may be filled by the remaining directors, or a majority of them.

Election of president.

5. *And be it enacted*, That at the first meeting held by the directors after their election, they shall choose one of their number to act as president of said corporation, and of the board of directors, who shall hold his office for one year, or until the next election for directors of said company.

May make by-laws, &c

6. *And be it enacted*, That four directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said corporation, to be paid by such instalments, and at such times as they may direct, and in case of the non-payment of such instalments, or any of them, to forfeit the share or shares upon which default shall arise, or at their option to sue for and recover the instalments due and unpaid; to make such by-laws, rules and regulations as shall appear

proper, concerning the business of said corporation, and to appoint such officers, clerks and servants, and fix their compensation and wages as to them shall seem proper.

Power to lay down and construct a railroad.

7. *And be it enacted*, That said corporation shall have power and authority to lay down and construct a railroad with the necessary turnouts and switches, from the junction of Broad and Bridge streets, in the city of Newark; and from thence through Bridge to and across the Passaic river to Newark avenue, in the town of Harrison, and over said Newark avenue, in the towns of Harrison and Kearney, and also northward through Kearney avenue to the Bergen county line, and also in any and all streets or avenues in said townships where the public travel will warrant; *provided*, that the right to construct the said railroad or railroads through any of the streets, roads or avenues in the city of Newark, or the towns of Harrison and Kearney, shall not vest in the said corporation until the consent of the city of Newark, and the towns of Harrison and Kearney shall be first had and obtained.

Proviso.

May purchase, have and hold real estate.

8. *And be it enacted*, That the said corporation may purchase, have and hold real estate at each terminus of said road, not exceeding one acre, and along the line of said road, as they may desire, not however exceeding three acres in the aggregate, and may erect thereon houses, depots, stables, machine shops, and such other buildings and improvements as may be necessary for carrying out the objects of the said corporation.

Width of track.

9. *And be it enacted*, That the track or tracks laid by said corporation shall be of the same width as the wagon track now established by law, and the same shall be laid in all the streets, roads and avenues level with the surface thereof, conforming at all times with the grades that are now, or may be established by the municipal authorities of said city and towns; and in all cases the rails of such track shall be so laid as to present the least obstruction to, or in any way interfere with wagons or other vehicles turning in or crossing said streets, roads or avenues, through or over which said road or its turnouts or switches may be laid.

Track not to interfere with wagons, &c.

May make dividends.

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

Rates of transportation, &c.

11. *And be it enacted*, That the president and directors of said corporation shall have power to purchase, or have constructed with the funds of said corporation all such machinery, cars, wagons, carriages or other vehicles, for the transportation of persons or property on their railroad, as they may think fit, expedient or right, and also to purchase such horses or mules as they shall deem fit for the purpose of said corporation; and that they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon said railroad as they shall think reasonable and proper; *provided*, that not more than ten cents shall be demanded or received for conveying any passenger or person from any one point to another upon said railroad; *provided*, that not more than five cents shall be charged for any distance less than one mile.

Proviso.

Proviso.

Penalty for injuring road or works.

12. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct said railroad, or any of its works, turnouts, switches, carriages, animals, machinery or buildings, such person or persons shall forfeit and pay therefor to said corporation three times the amount of damage sustained by means of such injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance of the same.

May borrow money and secure the same by mortgage.

13. *And be it enacted*, That the said corporation shall have power to borrow, after the capital subscribed shall have been paid in in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said company with all necessary rails, buildings, cars, animals and engines for the use and objects of said corporation, and to secure the repayment thereof by bonds and mortgage, or otherwise, on the said road, lands, franchises and appurtenances of or belonging to the said corporation at a rate of interest not exceeding seven per centum per annum.

May make contracts and agreements with any other corporation.

14. *And be it enacted*, That it shall be lawful for said corporation at any time to make contracts and engagements with any other corporation, or with any individuals, for operating said railroad for transporting passengers, and to enforce the fulfilment of such contracts, and to demand and receive for such transportation, by them carried over the road of any other company, the same rates of fare and tolls as said corproation are entitled to receive, by virtue of this act, for transportation and

passage over their roads, and also to connect with any railroad or railroads in said city of Newark, now or hereafter to be incorporated upon such terms and conditions as may be agreed upon between them, and not inconsistent with their respective charters.

Annual statement.

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

State tax.

Proviso.

Company subject to the provisions of the city charter.

16. *And be it enacted*, That the said company shall within the limits of the city of Newark, in all things be subject to the provisions of the charter and ordinances of said city now or hereafter to be in force; whenever any street, road or avenue in said city or towns, occupied by said company with their tracks or turnouts, shall be paved by order of the city council or town committees, the said company shall pay the cost and expense of paving between the rails of their tracks and turnouts, and three feet on the outer side of said rails, the said cost and expense to be assessed upon the said company as directed by the charters of the said city

and towns for assessing the cost and expenses of paving any street, and the said assessment shall become a lien upon the property of said company, within said city or town, in the same manner that similar assessments are a lien upon real estate therein; and whenever the said company shall occupy, with their tracks or turnouts, any street within said city or towns, which before the time of such occupation had been paved, they shall pay to the said city or towns such amount of the cost and expenses of said pavement as may have been expended in paving between the rails and turnouts, and three feet on the outer side of said rails, and shall re-lay said pavement, and place the same in as good repair as the same was at the time of such occupation by them; *and further*, that said company shall keep the pavement between their rails, and three feet on the outer side thereof, in repair at their own expense.

Costs and expenses for paving between rails, &c., to be paid by the corporation.

17. *And be it enacted*, That the said railroad shall pay such sum annually for the use of the bridge across the Passaic river at foot of Bridge street as may be mutually agreed on by the said railroad company, and the chosen freeholders of the counties of Hudson and Essex, or to such other party or parties as may at the time hold or represent the ownership of said bridge.

Annual sum to be paid for use of bridge over Passaic river.

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

Limitation.

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

Approved April 4, 1871.

CHAPTER CCCCLVII.

An Act to incorporate The New Jersey Detective Asssociation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Wambold, Edward L. McWilliams, Michael Kilcaulley, John M. Morris, Charles W. Mahon, Alexander H. Watkins, William O'Brien and

Corporators.

Cornelius C. Martindale, and their successors be, and they are hereby constituted a body politic and corporate under
Corporate name. the name and style of "The New Jersey Detective Agency,"
Powers. with power to purchase and hold real and personal property to an amount not to exceed five thousand dollars; to have a common seal; to elect a president and secretary, and such other officers and agents as they may deem necessary for the transaction of their business; and to sell and convey the said property at pleasure; to make such by-laws, rules and regulations as they may deem necessary for the transac-
Proviso. tion of their business; *provided*, the same do not conflict with the constitution or laws of this State or the constitution of the United States.

Incorporators to file bonds for faithful performance of their duties.

2. *And be it enacted*, That each of the above named incorporators, or a majority of them shall, on the first day of June next, file with the secretary of state a bond to the State of New Jersey, with two sureties, in the penal sum of one thousand dollars, conditioned for the faithful and bona fide performance of his duties and undertakings as a detective and police officer, when employed in that capacity by any person or persons, which said bond shall be executed and acknowledged in the same manner as deeds of conveyances of land are now required to be executed and acknowledged; and the sureties shall also each justify in the amount of the penalty thereof before a judge of the supreme court, or a supreme court commissioner, who shall certify his approval of said bond on the same.

Empowered to act as detectives or policemen.

3. *And be it enacted*, That when the said incorporators, or a majority of them, shall have filed a bond with the secretary of state in the manner prescribed in the next preceding section, the governor shall issue a commission to each of them who shall have filed a bond, empowering them to act as detectives or policemen in any part of this State, a copy of which commission shall be filed with the secretary of state.

May demand and receive fees for services, and make contracts and agreements concerning the same.

4. *And be it enacted*, That it shall be lawful for the members of said agency to demand and receive reasonable fees and rewards as shall be agreed upon by the officer or officers and those who may employ them, for their services as such detectives or police officers from any person or persons who may employ them, to make contracts and agreements concerning such employment; to sue and be sued, implead and

be impleaded, in any court of record in this State, in their corporate name.

Powers of constables and policemen.

5. *And be it enacted*, That the members of said agency shall have and possess the same powers and authority that constables and policemen have by law in the several cities, townships and counties, in which they may act in all criminal matters, and that it shall be lawful for them to serve any criminal process which constables and sheriffs may serve.

Power to increase number of members.

6. *And be it enacted*, That the said members of said agency shall have power to increase the number of their members by election in such manner as they may prescribe by their by-laws, to any number not exceeding twenty-five, a certificate of which election, signed by the president and attested by the secretary, shall be filed together with a bond, as prescribed in the second section of this act, with the secretary of state, and when so filed a commission shall issue to such members elect in the manner prescribed in the third section of this act.

Principal office.

7. *And be it enacted*, That the principle office or place of business of said agency shall be in Jersey City, in the county of Hudson.

Proceedings in case any person is aggrieved or injured by act of any member.

8. *And be it enacted*, That any person or persons, who shall or may feel himself or herself aggrieved or injured by any act or acts of any member or members of said agency, may petition the governor, setting forth the cause or causes of their grievance or injury, and pray an order for the prosecution of the bond or bonds of such member or members, and thereupon the governor may, at his discretion, order the said bond or bonds to be prosecuted at the expense of the petitioner, which order shall be filed with the secretary of state.

Certified copy of bond to be received in evidence.

9. *And be it enacted*, That a certified copy of such bond and certificate under the hand and seal of the secretary of state, shall be received in evidence in all courts of record in this State.

Members to wear a shield, &c.

10. *And be it enacted*, That each member of such detective agency when on duty shall wear a metallic shield or device, with the letters and words, "N. J. State Detective," in some convenient place upon the breast of his coat or vest, where it can be readily shown to any person demanding his authority.

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

May expel members.

said agency to expel any member for such cause or causes as it shall prescribe by its by-laws.

Certificate of expulsion to be filed.

12. *And be it enacted*, That when any member shall be expelled for cause, the said agency shall, within ten days from the time of such expulsion, file with the secretary of state, a certificate or notice of such expulsion, and thereupon the person so expelled shall cease to be a member of said agency, and shall no longer possess or exercise the powers or authority incident to such membership.

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

Approved April 4, 1871.

CHAPTER CCCCLVIII.

A Supplement to an act entitled "An act to change the name of the Mead Rubber Company to the Star Rubber Company," approved February ninth, one thousand eight hundred and sixty-nine.

Authorized to reduce capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Star Rubber Company be and they are hereby authorized to reduce their capital stock from two hundred thousand dollars to one hundred thousand dollars, by making the par value of the shares fifty dollars each instead of one hundred dollars, as now provided by the act to which this is a supplement.

May borrow money and secure the same by mortgage.

2. *And be it enacted*, That it shall be lawful for the directors of said company, from time to time, to borrow such sum or sums of money as they may deem necessary, not exceeding, in the aggregate, at any one time, twenty thousand dollars, and to secure the same by bond and mortgage on their real and personal estate, and in additon to the legal rate of interest, it shall be lawful for said corporation to pay, and for the lender or lenders of said money to receive the taxes assessed on said loan or on the securities given therefor.

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

Approved April 4, 1871.

CHAPTER CCCCLIX.

An Act to incorporate the Central Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles W. Bunn, John E. Adams, John H. Brakeley, Robert Julien and Horace M. Norton, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Central Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the counties of Burlington and Ocean, for raising and selling cranberries and other fruit, and other products of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruit, goods and chattels, or any part thereof. Corporators. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing to fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor; and that the subscriptions for stock shall be opened at such places as the directors shall designate, public notice of the time and place of which shall be given, not exceeding thirty days, under the direction of the board of directors, or such of them as shall be designated by the board for such purpose; and until an election shall be held for directors, the three persons first named in the first section of this act shall be directors of said corporation. Capital stock. Subscriptions to be opened.

3. *And be it enacted*, That the affairs of said corporation shall be managed by not less than three nor more than five directors, one of whom shall be president, and they shall May make by-laws, &c.

hold their office for one year and until others are elected in their stead; and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this State, or elsewhere, as the by-laws may provide.

Stock, how transferable.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

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

Approved April 4, 1871.

CHAPTER CCCCLX.

An Act to change the name of the Stockton Baptist Church, of Newton township, Camden county.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the "Stockton Baptist Church," is hereby changed to the "Third Baptist Church, of Camden, New Jersey."

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

Approved April 4, 1871.

CHAPTER CCCCLXI.

An Act to incorporate the Grand Lodge of the Independent Order of Good Templars, of the State of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nathan P. Potter, Sallie A. Stetser, Jacob B. Graw, Lucy A. Potter, Anna Raymond, John Simpson, Barton Lowe, George K. Morris,

Robert B. Yard, J. K. Dunlap, William Walton, Walter H. Chase, and their associates, officers and members of the Grand Lodge of the Independent Order of Good Templars, of the State of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "The Grand Lodge of the Independent Order of Good Templars, of the State of New Jersey," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing lands, tenements, hereditaments and personal estate, and shall have power and authority to sell, convey, lease or mortgage the same as to them may seem advisable; *provided always*, that the said corporation shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of twenty-five thousand dollars.

Corporate name.

Powers.

Proviso.

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

Approved April 4, 1871.

CHAPTER CCCCLXII.

A Supplement to an act entitled, "An act to incorporate the Bridgeton and Port Norris Railroad Company," approved March twenty-seventh, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the company incorporated by the act to which this is a supplement, shall have power to extend the southerly terminus of their railroad, at or near Port Norris, from the westerly bank of Maurice river, across the shore of said river into the deep navigable waters of said river; and to construct, upon the shore and bed of said river, such wharves, piers and other erections as may be necessary or proper for the accommodation of commerce and transportation thereat, and for the landing and convenient accommodation of passengers, and the lading, unlading and

Power to extend railroad.

May construct piers, wharves, &c.

storing of merchandize in their cars or storehouses, and its passage and removal to and from steamboats and other vessels lying or being at said wharves and piers; *provided*, that no unnecessary obstruction shall be done to the navigation of said river; *and further*, *provided*, that nothing in this act shall be construed to affect the rights of the State to lands lying under water.

Proviso.

Proviso.

Residence of commissioners.

2. *And be it enacted*, That the commissioners to assess damages, mentioned in the seventh section of the act to which this is a supplement may be residents of any part of the county of Cumberland, instead of being confined to residents of the city of Bridgeton and townships of Fairfield and Downe, as therein required.

Proceedings in case of appeal from decision of commissioners.

3. *And be it enacted*, That every appeal from the decision of commissioners appointed under the said seventh section of the act to which this is a supplement, as above amended, shall be made in writing, in the form of a petition to said circuit court, and filed with the clerk of that court, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof; that such proceeding shall vest in said court full right and power to hear and adjudge said appeal, to direct a proper issue for the trial of said controversy to be formed between said parties, at the next or other subsequent term of said court, to be holden in and for said county, either by a jury from the general panel, or, if ordered by the court, a jury to be struck and a view of the premises, upon like notice and in like manner as other issues in said court are tried; that it shall be the duty of such jury to assess the value of the land or materials, and damages sustained; and if they shall find a greater sum than the said commissioners had awarded, in favor of the owner or owners, then judgment thereon, with costs, shall be entered against said company, and execution awarded therefor; but, if the said jury shall find the same, or a less sum than awarded by the commissioners, then said costs shall be paid by said appellant, and either be deducted from the sum found by said jury, or else from the execution awarded therefor, as the court shall direct; but such appeal shall not prevent the said company from taking the said land, upon filing the aforesaid report of the commissioners; *provided*, that in no case, whatever, shall the said company enter upon or take possession of the lands of any person or persons, for the purpose of actually constructing said rail-

Proviso.

road, or of making any other erections or improvements thereon, or of otherwise appropriating said lands to the use of said company, until they shall have paid to or for the party or parties entitled to receive the amount so awarded or found, upon tender thereof by said company, shall refuse to accept the same, or shall be out of the State, or under legal disability to give an acquittance therefor, then payment of the amount, so awarded or found, into the said circuit court, for the use of such party, shall be deemed a legal and valid payment; *and provided further*, that in case of an appeal from the award of the commissioners, by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeal, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use. Proviso.

4. *And be it enacted*, That the next preceding section shall be taken and considered as a substitute for the eighth section of the act to which this is a supplement; and that the said eighth section shall be and hereby is repealed; and that this act shall take effect immediately. Substitute. Repealer.

Approved April 4, 1871.

CHAPTER CCCCLXIII.

An Act to incorporate the Port Norris and Maurice River Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ebenezer Westcott, George S. Marts, Samuel Foster, Thomas Hand, Levi Lore, John B. King, John Burt, George Robbins, John Russell and such other persons as may hereafter be associated with them by becoming stockholders as herein provided, and their successors, are hereby created a body corporate and politic by the name of the "Port Norris and Maurice River Ferry Company," for the purpose of establishing and maintaining Corporators. Corporate name.

a scow or steamboat ferry across Maurice river, at or near Port Norris, in the county of Cumberland.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be the sum of five thousand dollars with the privilege of increasing the same to ten thousand dollars, to be divided into shares of twenty dollars each; and that the said Ebenezer Westcott, George S. Marts, Samuel Foster, Thomas Hand, Levi Lore, John B. King, John Burt, George Robbins, John Russell, shall be commissioners to receive subscriptions for said stock and to distribute the same among subscribers, and they shall open books for receiving subscriptions to the capital stock of said company at some place in the county of Cumberland, having first given notice by advertisement published for twenty days in one or more of the public newspapers of said county, of the time and place of subscription, that the sum of one dollar shall be paid on each share at the time of subscribing and the residue as called for by the company, and upon notice having been given in manner aforesaid of calling in any instalment, the directors may for non-payment forfeit such stock.

Commissioners to receive subscriptions.

Capital stock, how transferable.

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

Election of directors.

4. *And be it enacted*, That as soon as two thousand dollars are subscribed for and the first instalment paid thereon, said company may commence business, and said commissioners shall thereupon give notice in the manner aforesaid, of a meeting of the stockholders to choose five directors, and at the time and place so advertised for that purpose and annually thereafter, upon like notice at such time and place as the by-laws of said company shall direct, the stockolders shall elect five of their number to be directors of said company, who shall continue such for one year and until others are chosen in their stead, and if no election on the day provided by the by-laws then it may be held on any day afterwards designated for that purpose by the directors upon like notice as aforesaid.

Power of directors.

5. *And be it enacted*, That the said directors shall manage and control all the business and affairs of said company, shall choose a president out of their number, and may appoint a secretary, and such other officers as their by-laws may direct, and a majority of the directors and the president

shall be residents of this State, and said directors shall have power to fill all vacancies that may occur in their number.

Power to build wharves, &c., and to establish a ferry.

6. *And be it enacted*, That said company shall have the right, power and authority to build wharves and slips, and to build scows or boats to be propelled by oars or ropes or steam, to establish and maintain a scow or steamboat ferry from a point on the west side of Maurice river near Port Norris, to any point or points on the east side of the Maurice river, and to extend a rope or wire across the said river if deemed advisable to facilitate the business of said ferry; *provided*, the rope or wire aforesaid shall not be so constructed as to obstruct or interfere with the navigation of the said river.

Proviso.

Rates for transportation.

7. *And be it enacted*, That said company shall be entitled to have and receive for transportation over said ferry not exceeding the following rates:

For each passenger, ten cents;
For each one horse and wagon and driver, thirty-five cents;
For each two horses, wagon, and driver, fifty cents;
For each man and horse, twenty-five cents;
For horses, mules, cattle, fifteen cents each;
and for all other animals, carriages, or merchandise such rates in proportion to the above as the directors shall from time to time ordain.

Act, when to become void.

8. *And be it enacted*, That the said ferry shall be commenced within five years from the date of the approval of this act, and completed within five years from the commencement, otherwise this act shall be void and of none effect.

Limitation.

9. *And be it enacted*, That this act shall continue in force for thirty years.

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

Approved April 4, 1871.

CHAPTER CCCCLXIV.

A Supplement to the act entitled "An act to incorporate the Hamburg Place Horse Car Railroad," approved March thirtieth, anno domini one thousand eight hundred and sixty-nine.

Time for completion of railroad extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirteenth section of the act to which this is a supplement be so amended that the time specified for the completion and operation of said railroad be extended to three years from the fourth day of July, anno domini one thousand eight hundred and seventy-one.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with or conflicting with the provisions of this supplementary act, be and the same are hereby repealed.

Approved April 4, 1871.

CHAPTER CCCCLXV.

An Act to incorporate the Oceanic Yacht Club, of Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George E. Sherman, Robert S. Simpson, Benjamin Byron, John Newman, James Snellgrove, William H. Slanton, Patrick Keenan, John Demerest, Thomas M. Garrett, Walter G. Moulds, M. M. Maltby, David Gordon, Benjamin Van Riper, Thomas McCutcheon, William Mather, William Terry, Dewitt Beardsley, and such other persons as are now or may hereafter be associated with them, be, and they are hereby constituted and declared a body politic, in fact and in law, by

the name of the "The Oceanic Yacht Club, of Jersey City," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and whatsoever places, and may have a common seal, and change and alter the same at pleasure, and that they and their successors, by the said name, shall be capable in law to hold any estate, real or personal, either by devise, purchase, donation, or otherwise to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same, as to them shall seem most advantageous for promoting the purposes of their incorporation. Name.

2. *And be it enacted*, That the object of this incorporation shall be the building, purchasing and sailing of yachts, the encouragement of yacht building, and the cultivation and advancement of naval architecture, construction and science. Object.

3. *And be it enacted*, That the estate and funds of said incorporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purpose of holding and purchasing of any real estate and erecting any buildings thereon for the benefit and accommodation of the members of said corporation, or the purchase, leasing or construction of any wharf, dock or pier as may be deemed necessary to carry out the objects of this incorporation, which said real estate they may again sell and invest as the interests of the corporation may require; and said corporation shall have power to build such wharf, not exceeding one hundred feet in length and twenty-five feet in width, as may be necessary to moor yachts at, or to embark into and from the same; *provided*, the same shall be located under the direction and with the consent of the riparian commissioners; *and provided, also*, that the price for the land occupied thereby may be fixed by said commissioners at such sum, nominal or not, as they shall think proper, and said price paid to the treasurer before the erection of such wharf. Power to hold real estate, &c. Power to build a wharf. Proviso. Proviso.

4. *And be it enacted*, That the said corporation shall have power, from time to time, to make and establish such constitution, by-laws, rules and regulations as they shall judge proper for the election of officers, for prescribing their May make by-laws, &c.

respective functions, and the mode of discharging the same, for the admission of members, the suspension and expulsion of the same, for the government of the officers and members thereof; for imposing and collecting admission fees, fines and contributions from the members, for regulating the time and place of meetings, which constitution and by-laws shall not be repugnant to the constitution and laws of the United State, or of this State, and which they may, from time to time, alter and repeal.

Location.

5. *And be it enacted*, That the said corporation shall be located at Jersey City, or some convenient point in the county of Hudson, and that the persons named in the first section shall be the first directors of said corporation, and shall continue in office until the first Thursday in April, anno domini one thousand eight hundred and seventy-two.

Annual election.

6. *And be it enacted*, That the officers of said corporation shall be chosen annually at such time and place as their by-laws may direct; that all elections shall be by ballot, and that each member shall be entitled to one vote, which must be given in person; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the officers for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or, of this act, and that in any election of officers the persons having or receiving the greatest number of votes shall be officers, and shall continue in office until their successors are elected.

Act, how construed.

7. *And be it enacted*, That this act shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest, contract or conveyance shall defeat or invalidate the same if the corporation be sufficiently described to show or ascertain the intention of the parties.

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

Approved April 4, 1871.

CHAPTER CCCCLXVI.

An Act to authorize and empower the minister, elders and deacons of the Reformed Congregation of Hackensack, in the county of Bergen, in the State of New Jersey, to assess the pews in said church.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the minister, elders and deacons of the reformed congregation of Hackensack, in the county of Bergen, in the State of New Jersey be, and they are hereby authorized and empowered to make assessments on the pews in the said church under their control, from time to time, for the purpose of raising money for the salary of the minister, repairs, the current and necessary expenses of the church, and the support of the gospel, with power to collect the same; and such assessment shall be a lien upon such pews so assessed from the time the same shall be made; and in case such assessment upon such pews shall be unpaid by the owners of the same for the space of one year, said pews at and after the expiration of said one year shall be forfeited to and become the absolute property of said corporate authority.

Authorized to make assessments on the pews, with power to collect the same.

Assessment to be a lien.

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

Approved April 4, 1871.

CHAPTER CCCCLXVII.

An Act to incorporate the Mechanics Life Assurance Association of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Barton, John O. Raum, Gerry L. Taylor, Louis C. Gosson, William

Corporators.

Napton, 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 name, for the purpose of assuring to their heirs and legal representatives, pecuniary relief in the event of death or accident, by the name,

Corporate name.

style and title of "The Mechanics Life Assurance Association of New Jersey," to be located in the city of Trenton, in this State, with power to establish branch offices and agencies at such places, and for such periods of time as may seem advantageous to said corporation, and by that name shall be capable of suing and be sued, pleading and being impleaded, answering and being answered unto, in all courts whatsoever, both of law and equity, and may have and use a common seal, the same to alter and change at pleasure.

May hold, receive, &c., real and personal property.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to have, hold, receive, possess and enjoy to themselves and their successors property both real and personal, to an amount not exceeding fifty thousand dollars, and the same or any part thereof to sell, grant, devise or dispose of according to the rules of said corporation; and that they may do and execute all acts and things which may appertain to their corporate capacity, and may make and establish such by-laws, rules and regulations for the management of their business, as may be deemed expe-

Proviso.

dient; *provided*, that such by-laws, rules and regulations be not repugnant to the constitution or laws of this State, or of the United States.

Corporation, how managed.

3. *And be it enacted*, That the affairs of said corporation shall be managed by not less than five, nor more than nine directors, to be chosen annually at such time, and in such manner as the by-laws of the association shall prescribe, and the directors so chosen shall continue in office until their

Vacancy, how filled.

successors are appointed; and in case of a vacancy occuring by death, resignation or otherwise, the remaining directors shall appoint some person from among the subscribers to

Failure to elect directors not to be dissolved.

the guarantee fund to fill such vacancy; and in case it should happen that an election for directors be not held on the day when pursuant to the by-laws it should have been held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other

Proviso.

day to hold such election; *provided*, that notice of the same be advertised in one of the papers published in the city

of Trenton, and the persons named in the first section of this act shall be the first directors of this association.

Directors authorized to receive subscriptions.

4. *And be it enacted*, That the board of directors shall annually choose from among themselves a president, vice-president, secretary and treasurer, and shall appoint such other officers and agents, and at such compensation as they may deem expedient; and the directors are hereby authorized and empowered to receive subscriptions to a guarantee fund for said corporation for an amount not exceeding fifty thousand dollars, which shall be transferable on the books of the association in such manner as the by-laws, rules and regulations may direct,

Funds not to be used for banking purposes.

5. *And be it enacted*, That no part of the funds of this corporation shall be used for banking purposes.

May make insurances upon lives, &c.

6. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurances upon the lives of persons, and also to insure persons against non-fatal accidents on such terms and conditions as shall from time to time be ordered and provided by the by-laws; and the association may issue certificates of membership or policies of insurance, each of which shall state upon its face the contract or agreement which each person makes with said association, and such agreement shall be binding upon both this corporation and the person accepting the same.

Act may be altered or repealed

7. *And be it enacted*, That it shall and may be lawful for the Legislature at any time hereafter to alter, amend, modify or repeal this act.

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

Approved April 4, 1871.

CHAPTER CCCCLXVIII.

An Act to incorporate the South Jersey Silver Mining Company, of Colorado.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Oscar Stewart, Andrew D. Voorhees, Honorable Edward T. McKean, Hon-

orable William Moore, Peter L. Vorhees, Alden C. Scovel, Marmaduke B. Taylor, David H. Mundy, William G. Bartlett, and such other persons as may hereafter be associated with them and their successors, are hereby constituted, created and declared to be a body politic and corporate in law, by the name and title of the "South Jersey Silver Mining Company, of Colorado," and by that name shall have perpetual succession, and all the privileges and franchises belonging or incident to a corporation for mining silver or other ores and minerals, in the territory of Colorado, or elsewhere, and of selling and disposing of the same, and transact all business necessary or expedient to be connected therewith; the principal business office of said company to be located in Camden county.

Corporate name.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing said capital, at any time, to an amount not exceeding five hundred thousand dollars; said capital stock to be personal property, and transferable on the books of the company, in accordance with the by-laws of said company.

May purchase and hold real estate.

3. *And be it enacted*, That for the purpose aforesaid, the said corporation shall have the right to purchase, hold, possess and enjoy, such real and personal estate in said territory of Colorado, or elsewhere, as may be deemed necessary by them, and of leasing, mortgaging or disposing of the same.

Election of directors.

4. *And be it enacted*, That the above named corporators, or a majority of them, shall meet at a time and place, and at such notice as they may direct, and elect a board of directors of not less than three nor more than seven, all of whom shall be stockholders, one of whom shall be elected as president; and the board so first elected shall be the board of directors of said corporation, and shall hold their offices for one year, and until their successors shall have been elected; and annually thereafter, at such time and place as the by-laws of the association shall appoint, an election for directors, at which each stockholder shall be entitled to one vote (either in person or by proxy) for every share of stock by him or her held; the said directors shall hold their offices for one year, and until their successors shall be elected; should a vacancy occur in said board by

death, resignation or otherwise, the remaining directors shall have power to fill the same by the appointment of any stockholder; they shall have power to make and adopt a common seal for said corporation; to appoint from their own number, by ballot or otherwise, a treasurer and secretary, together with such other officers as they may deem expedient; to make all needful by-laws, rules and regulations for their own government, and alter the same; *provided*, the same are not inconsistent with the constitution of the United States, the State of New Jersey, or the provisions of this act. Vacancy, how filled. May make by-laws, &c. Proviso.

5. *And be it enacted*, That in case the election for directors shall not be held on the day when pursuant to this act it should have been held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election on any other day the directors aforesaid may direct. Failure to elect directors not to dissolve.

6. *And be it enacted*, That the corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such times and places as they may direct, and at the time of such subscriptions for the stock of said company, such an amount on each share shall be paid, satisfied or satisfactorily secured to said commissioners, as they or a majority of them shall decide; the remainder of said subscriptions shall be paid, satisfied and secured, as the directors shall determine, and in such instalments, and at such times and places, and to such person or persons as said directors shall direct, notice of the same being given by the secretary of said association that the subscriptions are due and payable, at the time and place mentioned in said notice, the same to be directed to the post office address of each stockholder, which shall be considered legal notice of such subscriptions falling due. Corporators to receive subscriptions.

7. *And be it enacted*, That the said commissioners shall have full power and authority, upon failure of any stockholder to pay or secure any assessments on said stock, so made as aforesaid, to forfeit the stock of said stockholder, to and for the benefit of the company, and said stock so forfeited shall be sold in such manner as the company shall direct. Failure to pay assessments on stock to work a forfeiture.

8. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders called especially for that purpose by the board of directors, or a majority of them; *provided*, at least three-fourths in How dissolved. Proviso.

value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, or such other person or persons as said board shall appoint for that purpose, shall be trustee or trustees for settling up the affairs of the corporation, paying its debts and dividing the surplus among the stockholders, according to each of their respective interests therein.

Limitation.

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

Approved April 4, 1871.

CHAPTER CCCCLXIX.

A Further Supplement to the act entitled "An Act to incorporate trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New Jersey," approved February fourteenth, one thousand eight hundred and sixty.

May take and hold property in trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement, shall be capable of taking and holding by gift, grant, devise, bequest or otherwise, any property in trust for ecclesiastical, charitable or educational objects appertaining to or for the benefit of the Protestant Episcopal Church, or any parish or other branch thereof in connection with or under the control of the convention or other ecclesiastical authority of said church, and of executing the trusts specified by the grantor or donor thereof; *provided*, the same be not inconsistent with the constitutions, canons or laws of said church.

Proviso.

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

Approved April 4, 1871.

CHAPTER CCCCLXX.

An Act to confirm the title of land conveyed by the administrator of Edward Rose, deceased, to Isaac Marsh, and by the said Isaac Marsh to Christopher D. Marsh.

Preamble.

WHEREAS, on the sixteenth day of January, one thousand eight hundred and forty, letters of administration of the goods and chattels, rights and credits, moneys and effects, which were of Edward Rose, late of the township of Rahway, in the county of Essex, deceased, were granted unto one Jacob L. Woodruff, by John J. Chetwood, esquire, surrogate of the county of Essex, as appears by the record of said grant in the surrogate's office of said county of Essex, in book B of Administrations and Guardianships, at page 18; AND WHEREAS, it appears by the records of the orphans' court of the said county that the said administrator did report the personal estate of the said Edward Rose, deceased, as insufficient to pay his debts; AND WHEREAS, at the term of June, one thousand eight hundred and forty, the said court did order sale of the whole of the lands, tenements and real estate of the said Edward Rose, deceased, in the said county of Essex, for the purpose of paying and discharging his indebtedness, under and pursuant to which order the said administrator did sell said lands, tenements and real estate, and did afterwards report to the said court the sale thereof, by report dated on the thirtieth day of October, one thousand eight hundred and forty, by which report it appears that lot number five, in said report mentioned, situate in the aforesaid township of Rahway, was set up and sold to one George F. Webb; AND WHEREAS, on the fifth day of November, one thousand eight hundred and forty, the said orphans' court did confirm the said sale, and did order conveyance of the said premises to be made to the purchaser thereof; AND WHEREAS, the said administrator, instead of conveying said premises to said George F. Webb, did convey the same to one Isaac Marsh, as

appears by deed dated on the thirteenth day of March, one thousand eight hundred and forty-one, and recorded in Book S 6, of Deeds, for Essex county, pages 355 and 356; AND WHEREAS, the said Isaac Marsh, by his deed dated on the twenty-second day of June, one thousand eight hundred and sixty-three, and recorded in Book 11 of Deeds, for Union county, page 753, did convey said lot of land, together with other land in said deed described, unto one Christopher D. Marsh; AND WHEREAS, it is alleged that the title of the said Christopher D. Marsh to the said lot of land is defective, because the said Jacob L. Woodruff, administrator as aforesaid, should have conveyed the same to the said George F. Webb; but from information obtained from the best sources, it appears that the said George F. Webb purchased the said premises for the said Isaac Marsh, and did direct the conveyance thereof to be made by said administrator to him, the said Isaac Marsh; therefore,

Deeds declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance so made by said administrator to the said Isaac Marsh, be and the same is hereby declared to be valid and effectual in law, and to convey and vest in the said Isaac Marsh, his heirs and assigns, all the estate of the said Edward Rose in the said lot of land so conveyed as aforesaid, the same as if he, the said Isaac Marsh, had been the reported purchaser at such sale, instead of the said George F. Webb; and also that the said deed from the said Isaac Marsh to the said Christopher D. Marsh, be and the same is hereby declared to be valid and effectual in law, and to convey and vest in the said Christopher D. Marsh, his heirs and assigns, all the estate of the said Isaac Marsh, hereby declared to be vested in him, his heirs and assigns, in and to the said lot of land.

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

Approved April 4, 1871.

CHAPTER CCCCLXXI.

An Act to incorporate the Cape May Oil and Marine Phosphate Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Lee, John Hood, Jacob Muller, Thomas Beesley, Richard S. Leaming, David Jessup, John H. Markley and Leaming M. Rice, and their associates, be and are hereby created a body politic and corporate in fact and in law, by the name, style and title of the "Cape May Oil and Marine Phosphate Company," for the purpose of catching and buying fish, manufacturing, selling and dealing in fish oil, guano, marine phosphates, and other manures; and buying, planting, and selling oysters, and the business incident thereto; and for such purpose the said company shall or may raise, by subscription, a capital stock of ten thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders to any amount not exceeding one hundred thousand dollars; and it shall be lawful for the said company to issue certificates of stock in whole or in part payment for any real or personal property purchased, leased or held by said company, for the purpose of their business aforesaid.

Corporators.

Corporate name. Powers.

2. *And be it enacted*, That the said company may purchase, lease, use, hold and enjoy such real estate as may be necessary for the purposes of said corporation; and may sell, mortgage, lease or otherwise dispose of the same at pleasure; and may sue and be sued in all courts of law or equity; and may have and use a common seal; and may change or alter the same at pleasure; and make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the laws of this State or of the United States.

May lease, use, hold and sell real estate.

Proviso.

3. *And be it enacted*, That the business and affairs of said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number

Election of directors.

president, and said directors shall be stockholders in said corporation; and the first directors shall be chosen at a meeting to be called by three of said stockholders upon five days' notice to each stockholder, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, or resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancy, how filled.

Failure to elect directors not to be dissolved,

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

Annual statement.

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

Principal office.

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

How dissolved.

7. *And be it enacted*, That the said corporation hereby created, may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *pro-*

vided, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock. Proviso.

8. *And be it enacted*, That it shall be lawful for said company within the boundaries hereinafter described, for the purpose of planting oysters, to occupy and stake off any quantity of land covered with water, at high tide, that may be necessary for the carrying on of their business, making the boundaries thereof by stakes or otherwise plainly visible to persons navigating the waters of the bay; and within the said boundaries on the land so occupied, to plant oysters and take them up at their pleasure, and for that purpose they shall have and hold the said lands so staked off, to their own exclusive use, for the term of ten years from the passage of this act; *provided*, that they shall not interfere with, or hold any natural oyster beds that may lie within said bounds; *and provided, also*, that the shore owners shall have the right and preference to stake off as far as their deeds allow, by running their lines for that purpose; and that nothing contained in this act shall affect the rights of the State to lands under water. May stake off lands and plant oysters. May have and use lands for ten years. Proviso. Proviso.

9. *And be it enacted*, That the boundaries within which land may be so staked off and occupied, shall be as follows, viz: beginning at the mouth of Will's creek, in the county of Cape May, on the eastern shore of that part of Delaware bay, known as Maurice river cove; and running thence a southwardly course along said shore to Fishing creek, in said county, and running off one thousand yards distant from the shore. Boundaries.

10. *And be it enacted*, That oysters within the boundaries of all such waters so staked off, shall be the sole and exclusive property of the said company, so long as the boundaries thereof shall be plain and distinctly marked; and any person who shall steal, take or attempt to take, or injure or carry away any oysters planted within said bounds, shall be deemed guilty of larceny; and an indictment thereof shall be in the form of an indictment at common law; any person found within the boundaries of the land so occupied, in a Penalty for taking oysters without permission of the company.

boat or vessel, for the purpose of taking such oysters without permission of the company, or its authorized agents, shall be fined not less than ten dollars, nor over one hundred dollars, and shall forfeit such boat or vessel, and all the implements used for taking the same, which may be seized in the act.

Power to maintain and operate weirs, pounds, nets, &c.

11. *And be it enacted*, That the said company shall have the sole and exclusive right within the boundaries named in the previous section of this act, to take or catch the fish known as moss bunkers, and for that purpose shall have power to put up, maintain and operate, any wiers, pounds or nets they may see proper; or use seines of any length, and at any time of the year necessary for the prosecution of the said business, to the exclusion of all other persons; *provided*, that no such works or nets or seines shall be so constructed or operated as to impede the navigation of the Delaware bay, or to interfere with the rights of shore owners, or the usual fishing privileges of the citizens of the county of Cape May, and any person or persons offending against the provisions of this act, shall be subject to the same fines and penalties, and liable to the same forfeitures, as are imposed in the previous section of this act for violation of the provisions thereof.

Proviso.

May construct and operate a railroad.

12. *And be it enacted*, That the said company shall have power to construct and operate a railroad from any point on Delaware bay, to connect with the Cape May and Millville, the West Jersey, or other roads, for the purpose of conveying the products of their works to market.

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

Approved April 4, 1871.

CHAPTER CCCCLXXII.

An Act to incorporate the Bloomsbury Vigilant Society.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William S. Gardner, William S. Hulshizer, Charles Hazard, Daniel Williamson, William Tinsman and their successors are hereby constituted a body corporate by the name of "The Bloomsbury

Name.

Vigilant Society," and to remain and continue for the space of twenty years, next ensuing.

Election of directors.

2. *And be it enacted*, That the affairs of the said society shall be managed by five directors, to be chosen by the members of the said society annually, at such time and manner as the by-laws of the society may direct, who shall serve for one year, and until others shall be chosen in their stead, notice of which election shall previously be given for two weeks, by notice posted in three of the principal places in the village of Bloomsbury, and that William S. Gardner, William S. Hulshizer, Charles Hazard, Daniel Williamson and William Tinsman shall be the first directors, who shall as soon as convenient, after the passage of this act, assemble and organize such society, and continue in office until others, as hereinafter directed, shall be chosen in their stead; the said directors shall, from time to time, elect a president from their number, and may also appoint such other officers as may be convenient and necessary.

First directors.

President.

Members empowered to make arrests.

3. *And be it enacted*, That every member of said society shall be empowered to make arrest of any person or persons whom they may find stealing, or in whose possession stolen property may be found, and bring them before a magistrate to be dealt with according to law.

May issue policies of insurance against theft.

4. *And be it enacted*, That when the funds of the society shall amount to one thousand dollars, the said directors may issue policies of insurance against theft on any property belonging to any member of said society, on such terms as the society may make in their by-laws.

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

Approved April 4, 1871.

CHAPTER CCCCLXXIII.

A Supplement to an act to charter the Passaic Valley and Peapack Railroad Company, approved March twenty-ninth, one thousand eight hundred and sixty-five.

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

Proceedings in case owners of lands are absent or cannot be found in this State.

lands on which the railroad company now known by the name of "The New Jersey West Line Railroad Company," shall be absent from or cannot be found in this State, and the said company shall cause the same to be made known, by oath or affirmation, to one of the judges of the inferior court of common pleas of the county in which said land shall lie, the said judge shall thereupon order the manner in which the notice for the appointment of commissioners, and other notices required in the seventh section of the act to which this is a supplement, shall be published, which publication, when made in the manner directed by said judge, shall be notice to said owner, and the said judge shall thereupon appoint commissioners, and the same proceedings shall be had as if the owner had been served with notice.

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

Approved April 4, 1871.

CHAPTER CCCCLXXIV.

A Supplement to an act entitled "An act to incorporate the Firemen of the city of Elizabeth, New Jersey," approved March twenty-fifth, one thousand eight hundred and sixty-three.

Act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement are hereby extended for the term of ten years from the expiration of the same, as named in said act.

Moneys, &c., reported by treasurer considered funded.

2. *And be it enacted*, That all moneys, bonds, stocks or securities reported on hand by the treasurer at any annual meeting of the board of representatives, shall be considered as funded, the principal sum of which shall not be impaired or expended for relief or otherwise by either the board of representatives or the board of trustees.

Treasurer to give bond.

3. *And be it enacted*, That the treasurer of the fire department, who shall be elected each year, shall, within

ten days after his election, and previous to entering upon the duties of his office, give a bond to the trustees for the faithful performance of his duties as such treasurer, with two sureties, freeholders in the county of Union, and who shall be approved by said trustees, in a sum not less than double the amount of the personal property belonging to the department.

Sureties to be held responsible if treasurer pays money over to his successor without receiving a certificate from the trustees.

4. *And be it enacted*, That the treasurer shall hold his office until his successor shall have been elected, and given a bond, and it has been approved, as aforesaid; and if any treasurer of the fire department of the city of Elizabeth shall pay to his successor in office any of the funds or securities of the department, without first receiving a certificate, signed by a majority of the board of trustees, that said bond has been given and approved, he and his sureties shall be held responsible for said moneys, the same as if it had not been paid out by him.

Time of meeting and election of officers.

5. *And be it enacted*, That it shall be lawful for the exempt firemen of the city of Elizabeth to meet at such place as shall be designated by the secretary of the board of representatives, on the last Thursday evening in April of each year hereafter, and elect such officers as they may require, in addition to the three members of the board of representatives, now allowed by law, and one member of the board of trustees; and the term of office of the members of the board of representatives, who now represent the exempt firemen's association, to expire on the last Thursday of April next ensuing.

Repealer.

6. *And be it enacted*, That all acts or parts of acts, whether general, special or local, inconsistent with the provisions of this act, so far as they relate to the fire department of the city of Elizabeth, are hereby repealed.

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

Approved April 4, 1871.

CHAPTER CCCCLXXV.

A Supplement to an act entitled "An act to incorporate the Manufacturers' Fire and Marine Insurance Company, of Newark, New Jersey," approved February twenty-fourth, one thousand eight hundred and fifty-two.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Manufacturers' Fire and Marine Insurance Company, of Newark, New Jersey, shall hereafter be known and designated by the name of "The Manufacturers' Insurance Company," of Newark, New Jersey, and by that name and style have and exercise all the powers and privileges conferred by the act to which this is a supplement, and be liable to all the duties and obligations therein contained.

Holders of policies may participate in the profits, &c.

2. *And be it enacted*, That the said corporation may give the right to holders of its policies to participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws shall fix and determine; and the power hereby conferred shall be deemed and taken to be in addition to the powers possessed by the said corporation, and insurances may be taken without the insured participating in the profits of the company.

Limitation.

3. *And be it enacted*, That this act shall continue in force for the term of twenty years from the passage thereof, and that so much of the original act to which this is a supplement as this act does not repeal, shall be also continued in force for the term of twenty years from the date of the passage of this act.

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

Approved April 4, 1871.

CHAPTER CCCCLXXVI.

An Act to provide for the more effectual prevention and detection of crime in the township of Montclair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and secretary of the Protective Association of Montclair township, in the county of Essex, may, from time to time apply, under their hands, to the governor of this State, to commission one or more persons, whom they shall designate, to act as marshals in said township, and the governor, upon such application, may appoint such persons, or so many of them as he may deem proper, to be such marshals, and shall issue to each of such persons so appointed, a commission to act as such marshal, a copy of which commission shall be filed in the office of the secretary of state. Governor may appoint marshals.

2. *And be it enacted*, That every person so appointed as marshal shall possess all the powers of constables in criminal cases, and their compensation shall be defrayed by the said association. Powers of marshals.

3. *And be it enacted*, That whenever the president and secretary of the said association for the time being, shall file a notice in the office of the secretary of state, dispensing with the services of any one or more of such marshals, his or their commission shall be revoked, and the powers of said person or persons as such marshal shall cease and determine. How their commissions may be revoked.

4. *And be it enacted*, That it shall be lawful for said marshals, and they shall have power and authority to arrest any person found within the limits of this State, who shall have violated any law of this State within the said township, or who shall have willfully disturbed or wrongfully interfered with the peace and good order of said township; and the said marshal shall arrest every such person without warrant and endorsement, and bring him or her as soon as conveniently may be, before some person exercising the duties of justice of the peace in criminal cases in the county of Essex, there to be dealt with according to law. Power to arrest without warrants.

Governor may appoint special police justices.

5. *And be it enacted*, That the governor of the State may appoint the president and secretary of said association, for the time being, special police justices of the said county of Essex, to hold office until removed by the governor, or until they cease to hold the office of such president and secretary; and upon such appointment, the governor shall issue to such person or persons a commission to act as such special police justice, and a copy of such commission shall be filed in the office of the secretary of state; and upon the recept of such commission the persons so appointed shall severally possess and may exercise within the county of Essex, all the powers of a justice of the peace of this State in criminal cases, but shall not receive any fees for services performed in such cases.

May erect a house of detention.

6. *And be it enacted*, That the said association is hereby empowered to purchase land within said township and to erect thereon a suitable house of detention, into which may be committed and safely kept, by any proper authority of this State, any person arrested for offences against the laws of this State; the person so committed to be kept in such house of detention with like effect as if committed to the common jail of said county.

May lease any building and employ an overseer and assistants.

7. *And be it enacted*, That the township committee of the said township of Montclair be and are hereby empowered to purchase land within the said township, and erect thereon a suitable house of detention, or rent or lease a building or buildings, room or rooms, to which persons may be committed as specified in section six of this act, and may employ an overseer and such assistant or assistants as they may deem necessary, and the compensation to be paid to said overseer and assistant or assistants, shall be determined by ballot at the regular spring elections in said township.

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

Approved April 4, 1871.

CHAPTER CCCCLXXVII.

An Act incorporating The North Jersey Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adam Carr, Benjamin Buckley, John J. Brown, Edwin R. Mason, John Reynolds, Robert Hamil, John Cook, Patrick Curran, William Nelson, John T. Spear, James M. Baldwin and Andrew Derrom, and their associates and successors, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The North Jersey Fire Insurance Company," to be located in the city of Paterson, in the State of New Jersey, and by that name they and their successors shall and may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of justice; and they and their successors may have a common seal, and may alter and renew the same at pleasure. Corporators. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each. Capital stock.

3. *And be it enacted*, That the corporators, or a majority of them, named in the first section of this act, shall be commissioners to open the books for subscriptions to the capital stock of said company, and they shall give ten days' previous notice, in at least one newspaper printed and published in the city of Paterson, of the time and place of the opening of said books, which books shall be kept open during the pleasure of said commissioners, or a majority of them. Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That when one hundred thousand dollars of said capital stock shall have been subscribed, and fifty thousand dollars paid in, the subscribers to said capital stock, upon ten days's previous notice in a newspaper published in the city of Paterson, given by said commissioners, shall proceed to the election of a board of directors, composed of fifteen persons, a majority of whom shall be resi- Election of directors.

dents in this State, and all of whom at the time of their election and during their continuance in office, shall be stockholders in the said company in their own right; and thereupon said company may commence operations as authorized by this act; and the stock, property, concerns and affairs of said company shall be managed by the said board of directors and their successors.

Directors to be divided into classes.

5. *And be it enacted*, That the directors first chosen shall divide themselves into three classes, of five members each, one class of whom shall serve as directors for one year, one class for two years, and one class for three years, severally computed from the second Monday in January, one thousand eight hundred and seventy-two; on the second Monday in January, in each and every year thereafter, at such hour of the day, and at such place in the city of Paterson as the board of directors for the time being shall appoint and designate, by ten days' previous notice in a newspaper published in said city, five directors of said company shall be elected by ballot, and by a plurality of the votes of the stockholders, each stockholder being entitled to one vote for each share of stock standing in his or her own name on the books of the company.

May make by-laws, &c.

6. *And be it enacted*, That a majority of the said board of directors shall be a quorum for the transaction of business; and said board shall have power to make and prescribe such by-laws, rules and regulations, as to them shall seem proper for the management and disposition of the property, estate and affairs of the said corporation, and for all such matters as pertain to the business thereof; the said

President.

board shall elect one of their number to be president of said company, who shall hold office until the next annual meeting, and until his successor shall be chosen; the said board shall also have power to appoint a secretary, a treasurer, and such other officers, clerks and agents, as to said board it may seem advisable for carrying on the business and affairs of the said company, and shall have power to fix the compensation of any and all officers so elected or

Vacancies, how filled.

appointed; any vacancy in the office of president or directors may be filled for the unexpired term by a majority of the directors, at a meeting to be called as the by-laws may provide, and in the absence of the president, a president pro tempore may be appointed by the directors.

7. *And be it enacted*, That the stock of said company

shall be deemed personal property, and as such assigned and transferred on the books of the company according to such rules as the directors may prescribe. Stock, how transferred.

8. *And be it enacted*, That it shall and may be lawful for the said company to make insurance on dwelling houses, stores, mills and all kinds of buildings, and upon household furniture and personal property of all kinds, against loss or damage by fire, and also against loss or damage by all or any of the risks of lake, river, canal and inland navigation and transportation, and to effect re-insurance of such risks when deemed advisable, and may also insure steam boilers against loss by explosion; all such insurance shall be upon such rates and conditions as shall be contained and stated in the policy of insurance; all policies of insurance or contracts founded thereon shall be subscribed by the president, or president pro tempore, or by such other officer as may be designated for that purpose by the by-laws of said company, and shall be attested by the secretary, and when so subscribed and attested the said policies shall be binding upon the said company, in like manner as if under the seal of the said company; and there shall be distinctly and legibly written or printed upon the face of every policy of insurance made by the said company, the amount of its capital actually paid in; all such policies and contracts may be made, subscribed, attested and executed, and the business of said company may be conducted and carried on by a committee, if so directed, without the presence of the board of directors, and the same, in such case, shall be equally binding and obligatory upon the said company. May insure against loss by fire. Policies to be binding on company.

9. *And be it enacted*, That it shall be lawful for the said company to invest its capital, or funds accumulated in the course of its business, or any part thereof, in the purchase of, or loans upon, bonds and mortgages on unincumbered real estate, within the State of New Jersey, worth double the amount of money loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company; and also in the stocks and bonds of this State, or the stocks and bonds of the United States, and also in the bonds of any county or incorporated city in this State authorized to be issued by the Legislature, and to change and re-invest the same as occasion may from time to time require. May invest capital in stocks, bonds, &c.

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

May purchase and hold real estate.

company to purchase and hold such and so much real estate as shall or may be necessary for its convenient accommodation, or the transaction of its business, or such as shall have been mortgaged to it in good faith, or to secure the payment of any debts previously contracted with the said company, and to redeem the money so pledged or secured either at law or in equity; and also to purchase, on sales made under judgment at law, or done in equity, or any other legal proceedings, or otherwise; and also receive and take any real estate in payment, or towards the satisfaction, of any debts previously contracted with and due to the said company; all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of the company in the transaction of its business, shall be held and enjoyed by the said company until it can be conveniently sold or converted into money or other personal estate.

Dividends.

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

Holders of policies may be admitted to share in the profits.

12. *And be it enacted*, That the holders of policies of insurance issued by said company may at any time, by the vote of the holders of two-thirds of the capital stock of said company, be admitted to share in the profits of the said company in such manner and to such extent as may be provided by the board of directors.

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

Approved April 4, 1871.

CHAPTER CCCCLXXVIII.

An Act to renew and extend an act approved the eleventh day of February, anno domini one thousand eight hundred and fifty-two, entitled "An act to incorporate the Pavonia Land Association."

WHEREAS, the incorporators of the Pavonia Land Association represent that they will be unable to answer the end for which they were incorporated, within the time specified; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the said Pavonia Land Association be, and is hereby renewed and extended for a further term of twenty years, subject to all the powers and disabilities imposed upon them by the charter under which they are incorporated. Act renewed and extended.

Approved April 4, 1871.

CHAPTER CCCCLXXIX.

An Act to incorporate the Mercer Knitting Mills.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew K. Rowan, Benjamin Albertson, John G. Shull, and such other persons as may hereafter be associated with them, and their successors and assigns, be and they are hereby made and constituted a body politic and corporate in law, by the name of the "Mercer Knitting Mills," for the purpose of manufacturing, dyeing and finishing all goods of which cotton and wool form a part, as well as all machinery used for such purposes, and for the transaction of such business, as may be necessarily connected therewith, and may hold and erect such mills, Corporators. Name.

buildings and other works as may be required to carry on such branches of manufacture; and shall have power to raise by subscription a capital stock of thirty thousand dollars, in shares of fifty dollars each, with the privilege of increasing the same as hereinafter provided.

Capital stock.

May purchase, use and hold real estate.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in the county of Mercer, as may be required for the purposes of said corporation, and all other real estate which shall have been mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments or decrees, which shall have been obtained for or upon such debts; and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and may change or alter the same at pleasure, and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution and laws of the United States, or of this State.

Proviso.

Corporators to open books and receive subscriptions.

3. *And be it enacted*, That it shall and may be lawful for the persons named in the first section of this act, or a majority of them, at such time and place as they may select, to open books of subscription to the capital stock of said corporation, and whenever the sum of thirty thousand dollars shall have been subscribed, and the sum of fifteen thousand dollars actually paid in, and an affidavit thereof made by two or more of the directors of said corporation shall be filed in the office of the secretary of state, it shall and may be lawful for the said corporation to commence and carry on its said business under the provisions of this act.

May increase capital stock.

4. *And be it enacted*, That the said corporation may, by a vote of the stockholders thereof, from time to time increase its capital stock until it amounts to the sum of one hundred thousand dollars, and it shall be lawful for the directors of said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such times and in such proportions as the said directors shall see fit, under the pain of the forfeiture of their shares, and all previous payments thereon to the said corporation, the said stockholders being notified at least thirty days previous to the time of payment of each instal-

ment, and at each increase of the capital stock an affidavit of the amount of the said increase shall be filed in the office of the secretary of state, as before provided; and the capital stock of said corporation shall be deemed personal estate, and be transferable upon the books of the said corporation, in such manner as may be required by the by-laws of the said corporation, and no part of the capital stock shall at any time, or upon any pretence whatever be divided among the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders until all debts and liabilities of the said corporation are fully paid, and an affidavit thereof, and of the amount of the capital stock proposed to be withdrawn or refunded to said stockholders be filed in the office of the secretary of state, and all the stockholders may in all questions submitted to them, and in all elections, be entitled to one vote for every share he or she holds in the stock of said corporation, which vote may be cast in person or by proxy, and all matters before said stockholders shall be decided by a majority of the votes so cast.

How transferred.

Election of directors.

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not less than three nor more than five directors, one of whom the said directors shall appoint their president; and said directors shall be stockholders in said corporation, and shall hold their offices for one year and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on the first Tuesday of April, at such hour of the day, and at such place as the by-laws of the said corporaiion shall direct, and until such annual elections shall take place the persons named in the first section of this act, with such others, being stockholders, as they shall appoint, shall be the directors of said corporation, and a majority of the directors shall, on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a board competent to transact business; and all matters before them shall be decided by a majority of votes, and in case any vacancy shall occur in the board of directors by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancies, how filled.

Annual statement.

6. *And be it enacted*, That the said directors shall sub-

mit to the stockholders, at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Dividends.

7. *And be it enacted*, That dividends of so much of the profits of the said corporation as the directors may think advisable, may be declared in the months of January and July, in every year, to be paid to the stockholders or their legal representatives, at any time on demand after the expiration of thirty days after the same shall have been declared.

Failure to elect directors not to be dissolved.

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

Property may be received in payment for subscriptions.

9. *And be it enacted*, That any buildings, land, property, machinery or materials used in manufacturing, which may be received in payment for subsciptions of stock, shall be taken at a valuation approved by a majority of the board of directors or a majority of the stockholders.

Books of account to be kept.

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

General powers.

11. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions, provisions, duties, limitations and obligations set forth in the act entitled "An Act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, and the supplements to said act, so far as the same are applicable.

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

Approved April 5, 1871.

CHAPTER CCCCLXXX.

An Act to incorporate the Ladies' Hospital Association of the city of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mrs. S. Tuttle, Mrs. John J. Brown, Mrs. George Wurts, Mrs. E. Theodore Bell, Mrs. S. C. Hewes, Mrs. J. M. Heffeman, Mrs. M. Bradley, Mrs. Joseph N. Taylor, Mrs. Robert Dalling, Mrs. Henry W. Cole, Mrs. Philip N. Smith, Mrs. James Crooks, Mrs. James M. Baldwin, Mrs. Jonathan Johnson, Mrs. J. Speer, Mrs. William J. Wilcox, Mrs. John Cook, Mrs. A. Vreeland, Mrs. J. Steel, Mrs. Samuel Smith, Mrs. Helen Bremner, Mrs. Henry Marshall and Mrs. P. Sandford, and their associates, are hereby constituted and appointed a body corporate and politic, in fact and in name, by the name of "The Ladies' Hospital Association of the city of Paterson," for the purpose of establishing and maintaining a public hospital in the city of Paterson; and by that name they and their successors shall be capable of taking by purchase or otherwise, and holding and conveying any real and personal estate for the purposes of said corporation. Corporators. Corporate name.

2. *And be it enacted*, That any lady upon the payment of one dollar annually to the treasurer of said corporation for the use thereof, may become a member of said corporation, and shall be entitled to a vote at any election to be held by virtue of this act; and any gentleman, upon payment of a like sum to the treasurer of said corporation, may become a member thereof without a vote, and be eligible to any office to which he may be elected under this act. How to become members.

3. *And be it enacted*, That no religious test shall be required for general membership, nor for eligibility to any office in this institution, nor for admission as a patient. No religious test required.

4. *And be it enacted*, That to carry into effect the objects of the said corporation, the members thereof who are entitled to vote shall, at an annual meeting to be held at such time and place as the by-laws of the said corporation shall direct and appoint, elect from their own number by Election of managers.

ballot, and by a majority of the votes given at such election, seven persons as managers of said corporation, and the persons so elected, together with those whose term of service shall not have expired, shall constitute a board of managers; the managers so elected shall hold their offices until others shall be elected in their places; in case of vacancy by resignation or otherwise in the board, the remainder of the managers shall have power to fill such vacancy.

First board of managers.

5. *And be it enacted*, That the board of managers shall consist of twenty-one members, and the following shall, until the first annual election be held, constitute the board, viz: Mrs. S. C. Hewes, Mrs. J. M. Heffeman, Mrs. M. Bradley, Mrs. Joseph N. Taylor, Mrs. Robert Dalling, Mrs. Henry W. Cole, Mrs. Philip N. Smith, Mrs. James Crooks, Mrs. James M. Baldwin, Mrs. Jonathan Johnson, Mrs. J. Speer, Mrs. William J. Wilcox, Mrs. John Cook, Mrs. A. Vreeland, Mrs. J. Steel, Mrs. Samuel Smith, Mrs. Helen Bremner, Mrs. Henry Marshall and Mrs. P. Sandford; they shall, as soon as may be convenient after the approval of this act, divide themselves into three sections of seven members each, and proceed to divide by lot their relative term of service for one, two and three years; as their terms expire they shall be replaced as provided in section four.

Quorum.

6. *And be it enacted*, That eleven managers, including the president or vice president, shall constitute a quorum for the transaction of ordinary business, but for the alienation of any of the real or personal estate of the said corporation, or the leasing of any of the real estate thereof for a longer time than one year, the consent of two-thirds of the members of said board of managers shall be necessary.

Officers.

7. *And be it enacted*, That the said association shall annually elect, at such time as the by-laws shall designate, from their own members a president, a vice-president, secretary and treasurer, who shall hold office until others shall be elected in their stead; and the said officers shall be members ex officio of the board of managers of said association, and until the first annual election held under this charter Mrs. S. Tuttle shall act as president, Mrs. John J. Brown as vice president, Mrs. George Wurts as secretary, and Mrs. E. Theodore Bell as treasurer of said association, and shall be members ex officio of the board of managers.

8. *And be it enacted*, That the said board of managers

shall have full power to manage and conduct all the business and concerns of the said corporation, to make all such by-laws as may be necessary, in conformity with this charter and the laws of this State, and the United States, relative to the management of the estate and concerns of the said corporation, and the appointment of such officers as they may deem necessary, in addition to those hereinafter specifically provided for and designated. Powers of managers.

9. *And be it enacted*, That to enable the said corporation to raise a sum of money sufficient for the purchase of a site, and the costs of erection and equipment of the hospital contemplated by this act, the board of managers are hereby authorized and empowered to raise, in the name of the said corporation, such sum or sums of money upon scrip or certificates of debt, to be denominated on the face "Paterson city hospital scrip," to an amount in the whole not exceeding fifty thousand dollars, bearing interest at the rate of seven per centum per annum payable semi-annually, and the principal of said debt shall be payable at periods not less than one nor more than ten years from date; and the said board of managers may sell the same at public or private sale, at not less than the par value thereof, at such times as the proceeds thereof may be required; and for the purpose of paying said scrip or certificates of debt and interest thereon, as the same may become due, the said board of managers are hereby authorized to employ all or any of such moneys as they shall receive from patients admitted into such hospital, and the moneys received for membership of the aforesaid corporation, or by gift or bequest, and the treasurer of the board of managers shall keep an account of the same separate and distinct from other accounts; all scrip or certificates of debt issued as aforesaid, shall be signed by the president of the board of managers and countersigned by the secretary of said board, who shall keep a record of all scrip or certificates issued or disposed of, and copies of said record shall be made and delivered to the treasurer of said board; all moneys raised upon such scrip or certificates shall be received and deposited by the treasurer of said board in a bank of good credit in this State, and be made payable to the joint order of the treasurer and president of said board of managers; said estate, both real and personal, shall be exempt from city and county taxation. May purchase hospital and borrow money. All moneys to be deposited in bank. Exempt from taxation.

Medical and surgical staff, how appointed and suspended.

10. *And be it enacted*, That the board of managers shall annually elect by ballot six physicians from the members of the Passaic County Medical Society to attend the hospital, to hold office for one year or until their successors shall be elected, and until the first annual election held under this charter, Doctors Barnes, Whiteley, Rogers, Merrill, Marsh, Van Gieson Leal, and Warren, shall be the attending physicians of said hospital; *provided*, the managers may suspend any member of said board of managers or said medical or surgical staff who shall, in the opinion of a majority of the managers present at any meeting of the managers regularly called, have misdemeaned himself or herself, or be found incompetent; a charge in writing detailing the matter complained of, with a notice of the time and place of meeting of the managers to investigate the same, shall be served upon the party sought to be removed, at least twelve days before the said meeting; and a vote of a majority of the managers present shall be necessary to suspend or remove any member of said board or the medical or surgical staff.

Proviso.

Power of managers to make grant in perpetuity.

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

Clergymen to be admitted.

12. *And be it enacted*, That to all cases which are deemed critical, clergyman of the same communion with the patient shall at all times have access for the purposes of religious ministration; to all other patients the clergyman of their own communion shall have free access daily, from eight to ten o'clock in the morning, and from four to six o'clock in the afternoon, but such privileges shall not be used in opposition to the wishes of the patient, or in such manner, or at such times as, in the opinion of the attending physician or

surgeon, would disturb other patients or endanger the general tranquility or decorum of the hospital.

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

Approved April 5, 1871.

CHAPTER CCCCLXXXI.

A Further Supplement to "An Act to incorporate the New York Bay Cemetery Association," approved March fifth, one thousand eight hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for the officers of the New York Bay Cemetery Association to charge, nor accept an amount exceeding three dollars for entry of transfer of registry of ownership upon their books, of any lot or number of lots embraced in one deed, claiming, or asking such transfer. Charge for transferring lots not to exceed a certain amount.

2. *And be it enacted*, That the said association shall upon application being made at their office, cause the record to be made as above, under the penalty of twenty-five dollars for each and every refusal to make such record; the applicant exhibiting a properly executed deed of conveyance of ownership. Penalty for refusing to make transfer.

3. *And be it enacted*, That all acts or parts of acts to which this is a supplement, conflicting with this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 5, 1871.

CHAPTER CCCCLXXXII.

An Act to incorporate The Central Market Company of Paterson.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Byard, Socrates Tuttle, John C. Benton, James McNab and Willard W. Fairbanks, and their associates be, and they are hereby created a body politic and corporate, in fact and in law, by the name and

Name.

style of "The Central Market Company of Paterson," for the purpose of buying, building, leasing and using a market house or market houses, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription by opening the books therefor,

Capital stock.

or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same, from time to time, to any sum not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased by said company for the purpose of their buisness aforesaid; and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively, such instalments, and at such times, and in such proportions, and upon such notice as they shall deem proper, not exceeding ten dollars on each share at any

Failure to pay instalments to work a forfeiture.

one time; and in case of failure by any stockholder to pay his or her instalment or instalments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of said company.

May purchase and hold real estate, and borrow money, &c.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding, at any one time, one-half of

their paid-up capital stock, and may sue and be sued in all courts of law or equity, and may have and use a common seal, and change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same shall not be inconsistent with the constitution or laws of the United States or of this State. Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than five nor more than eleven directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct, and until such annual election shall take place John Byard, Socrates Tuttle, John C. Benson, James McNab, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions when assembled, at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation or failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholders. Election of directors. First directors. Vacancy, how filled.

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

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

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

How dissolved. 7 *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same specially called for that purpose; *provided*, Proviso. that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

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

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

Approved April 5, 1871.

CHAPTER CCCCLXXXIII.

An Act to amend an act entitled "An act granting certain powers and franchises in this State to the Erie Railway Company," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Erie Railway Company to charge for the transportation of

freight and merchandise from the city of Paterson to Jersey City, and from Jersey City to the city of Paterson, over its railroad, or over all or any of the roads leased or used by it between said points, the rates and no greater rates of freight or tolls than are set forth in the local freight tariff of the Erie Railway Company, issued to take effect April eighteenth, one thousand eight hundred and seventy, which classifies the freight in four classes: the first charged at the rate of fifteen cents per one hundred pounds, the second at the rate of thirteen cents per one hundred pounds, the third at the rate of ten cents per one hundred pounds, and the fourth at the rate of seven cents per one hundred pounds, in certain cases; the weight being estimated as set forth in said freight tariff, said charges including the expense of handling the same, and also all terminal charges; *provided nevertheless*, that in the case of light or bulky goods, mentioned in a supplement to an act entitled "An act relative to freights and transit duties in this State," approved March twenty-fourth, one thousand eight hundred and fifty-two, which supplement was approved March tenth, one thousand eight hundred and fifty-three, and also in cases provided for in "An act relative to freights and fares on certain railroads in this State," approved March fourteenth, one thousand eight hundred and sixty-six, and a supplement to said act, approved March fourth, one thousand eight hundred and sixty-eight, and also in the cases provided for in "An act relative to freights and fares on railroads," approved April eleventh, one thousand eight hundred and sixty-seven, in all of which cases the Erie Railway Company shall be allowed to charge the same additional rates as any other railroad company in this State would be allowed to charge under said acts or any of them.

May charge for transportation of freight.

Rates.

Proviso.

2. *And be it enacted*, That it shall be the duty of the Erie Railway Company to file in the office of the secretary of state, and also in the county clerk's office of the counties of Hudson, Bergen and Passaic, a copy of the local freight tariff of said company, issued to take effect April eighteenth, one thousand eight hundred and seventy.

Copy of local freight tariff to be filed.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 5, 1871.

CHAPTER CCCCLXXXIV.

A Supplement to an act entitled "An act to increase the number of the Township Committee of the township of Bloomfield, in the county of Essex, and to provide for the making of crosswalks, sidewalks, the lighting of streets and the care of the public grounds in said township," approved March first, one thousand eight hundred and seventy.

Assessments remaining unpaid may be collected with costs in an action of debt, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any sum heretofore assessed, or that shall hereafter be assessed, under the provisions of the act to which this is a supplement, shall remain unpaid for twenty days after notice of such assessment shall have been given to the person or persons lawfully bound to pay the same, such sum may be collected at any time after the expiration of said twenty days, in the same manner as other taxes are collected in said township; and in addition to the mode of collection herein provided, such sum, so assessed, may be recovered with costs in an action of assumpsit or debt, brought in the corporate name of said township in any court of competent jurisdiction, against the person or persons whose duty it may be to pay the same, and upon the trial of such action, the record or official certificate of such assessment shall be full and conclusive evidence of the amount due from the defendants therein, and execution may be issued and enforced upon such judgment in the same manner as in actions of assumpsit or debt is now provided by law.

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

Approved April 5, 1871.

CHAPTER CCCCLXXXVI.

A Supplement to an act approved February twenty-eight, one thousand eight hundred and seventy-one, entitled "An act to authorize the Trustees of Farmingdale School District Number Four, in the township of Howell, Monmouth county, to borrow money and issue bonds to liquidate debt incurred in building a school house in said district."

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees of said school district may secure their bond or bonds in said act mentioned by mortgage on any real estate belonging to said trustees of said school district. Bonds may be secured by mortgage.

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

Approved April 5, 1871.

CHAPTER CCCCLXXXVII.

A Supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth," approved March fourth, one thousand eight hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the receiver of public revenue for the city of Elizabeth, shall be entitled to receive one per centum on all moneys collected by him and paid over to the city treasurer, and for the collection of all personal taxes in arrears; he shall be entitled to receive such sum as the city council shall by resolution allow; and Receiver of taxes to receive per centage on all moneys collected, &c.

shall also be entitled to receive the sum of fifty cents for executing a tax warrant against each person named therein; all said additional costs allowed to the receiver of revenue on taxes, delinquent or in arrears, shall be added to the tax on which the same is allowed, and shall be paid by the person or persons owing the same.

City printing.

2. *And be it enacted*, That the city printing shall be printed in three newspapers having the largest general circulation published in said city, and also at the discretion of the common council, the city printing may be printed in one German newspaper, printed and published in said city, and said city printing shall be printed in said newspapers at the legal rates at the expense of the city and in none other, and all city printing heretofore done by order of the common council shall be paid for at the current rates.

Repealer.

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

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

Approved April 5, 1871.

CHAPTER CCCCLXXXVIII.

An Act to direct and authorize the trustees of the Jefferson School District Number Three, Clinton Township, to convey certain real estate.

Preamble.

WHEREAS, by an act of the Legislature of the State of New Jersey, entitled "An Act to alter the boundary line between the city of Newark and the township of Clinton, in the county of Essex," approved March twenty-fourth, one thousand eight hundred and sixty-nine, a portion of said township of Clinton was annexed to and now forms a part of said city of Newark; AND WHEREAS, a certain lot of land, together with the school house building thereon, and the appurtenances, belonging to the said Jefferson school district number three, in said township, was

included in said portion of said township, so as aforesaid annexed to said city of Newark; AND WHEREAS, the greater portion of the territory composing said Jefferson school district number three was embraced in said annexation, and it is desirable that said lot of land and school house building and appurtenances be conveyed to the city of Newark; therefore,

Trustees empowered to convey lot of land and school house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the trustees of said Jefferson school district number three, in Clinton township, now being, or their successors, or if no trustees of said school district are now in office, then the trustees of said school district who were last in office, or a majority of either of them, be and they are hereby directed, authorized and empowered to convey, by deed of conveyance under their hands and seals, in fee simple absolute, the said lot of land and school house building and appurtenances, and all fixtures and personal property thereto belonging, mentioned in the foregoing preamble, to The Mayor and Common Council of the city of Newark, and that the said The Mayor and Common Council of the city of Newark, their successors and assigns, shall hold the same under and by virtue of said conveyance to and for their use, benefit and behoof forever, free and clear and absolutely discharged from all trusts whatsoever, upon, by or under which the same may have been held.

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

Approved April 5, 1871.

CHAPTER CCCCLXXXIX.

An Act to establish the Line between the Counties of Middlesex and Union.

Boundary lines changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the boundary line between the counties of Middlesex and Union, from the point where the same is now

intersected by the centre line of North avenue, shall be and is hereby changed or altered so as to run as follows: from the aforesaid point in the middle of North avenue southerly along the centre line of said North avenue to the centre line of Jefferson avenue; thence westerly along the centre line of said Jefferson avenue to the line of Somerset county, in the centre of Green Brook.

Territory annexed.

2. *And be it enacted*, That so much of the township of Plainfield as shall be cut off and separated from the said township, shall be and is hereby annexed to the township of Piscataway, in the county of Middlesex, and that so much of the township of Piscataway as shall be cut off and separated from the said township, shall be and is hereby annexed to the township of Plainfield, in the county of Union.

Money expended for building bridge to be paid by the county of Middlesex.

3. *And be it enacted*, That the county of Middlesex shall pay to the county of Union the amount which the said county of Union may have expended in building the bridge over Green Brook, at the foot of Washington avenue, the same being set off to the county of Middlesex under this act.

Repealer.

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

Approved April 5, 1871.

CHAPTER CCCCXC.

A Supplement to an act entitled "An act to amend the Charter of the City of Perth Amboy," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section first of said act be amended by striking out from the title of said corporation the words "The Mayor and Council of" so that the title of said corporation shall be "The City of Perth Amboy," and that all other sections of said act wherein the said title is mentioned, be also amended in the same manner.

Corporate title amended.

2. *And be it enacted*, That section second of said act be amended by striking out the words "superintendent of schools" wherever they occur in said section. Amendment.

3. *And be it enacted*, That section eighth of said act be amended by striking out the word "or" before the word "councilman" where it first occurs in said section, and inserting after the said word "councilman" where first occurring as aforesaid, the words "or superintendent of schools." Amendment.

4. *And be it enacted*, That section ninth of said act be amended by striking out the word "casting" before the word "vote" and inserting after the said word "vote" the words "on a tie." Amendment.

5. *And be it enacted*, That section fourteenth be amended by striking out after the words "enter into bond" the words "with the mayor and council of" and inserting in their place the word "to," and that section fifteenth be amended by striking out the word "entitled" and in its place inserting the word "required," and that section sixteenth be amended by inserting after the words "pay out the same" the words "(except money appropriated for school purposes)," and that section twenty-fifth be amended by striking out "said" before the word "collector." Amendment.

6. *And be it enacted*, That section thirty-fourth be amended by inserting the word "city" before the words "contracts in which," and strking out after said words the words "said aldermen or councilmen," and in their place inserting the words "the council," and that section thirty-seventh be amended by striking out the word "their" before the word "title," and in its stead inserting the word "the," and also by inserting after the said word "title" the word "of," and that clause XIV of said section be amended by adding to the end of said clause the following proviso: "*provided*, that nothing in this clause shall be construed to authorize the passage of any ordinance to prohibit any persons from selling the products of their own labor." Amendment.

7. *And be it enacted*, That section thirty-ninth be amended by striking out the word "no" before "costs," and inserting in place thereof the word "taxable." Amendment.

8. *And be it enacted*, That section forty-fourth be amended by inserting after the words "property assessed" the words "in the previous year," and by striking out the words "one dollar" before the words "as a poll tax," and inserting Amendment.

instead thereof the words "two dollars," and that section forty-fifth be amended by inserting after the words "State taxes" where they first occur, these words, "(except that no deduction shall be made from the valuation of real estate on account of any mortgage thereon when the mortgagee or holder resides out of the county of Middlesex,)" and also that sections forty-seventh and forty-eighth be amended by striking out the word "November" wherever it occurs in said sections, and inserting in each place the word "December" instead thereof.

Amendment.

9. *And be it enacted*, That section fifty-sixth be amended by inserting after the word "grade," where it first occurs in said section, the words "lay or re-lay sidewalks in," also by inserting the words "any of" before the words "the owners of," where they first occur in said section, and striking out after such last mentioned words, the words "a majority of" before the words "the lands," and after these words, by striking out the words "in lineal feet," and that said section fifty-sixth be also amended by adding the following clause to the end thereof: "and unless within twenty days after the filing of said report, as in this section provided, a majority of the owners of lands to be assessed for such improvement shall file with the clerk of said city, a remonstrance signed by them or their agents lawfully authorized, said council may proceed forthwith to execute and carry out said improvement under said application."

Amendment.

10. *And be it enacted*, That section fifty-seventh be amended by inserting the words "three-fourths of," before the words "the owners of," and striking out the words "three-fourths of," after said last mentioned words, and also by striking out after the words "the property interested," the words "per lineal feet," and also by inserting after the words "sidewalks to be laid," the words "with flag stones or other materials," and also by adding at the end of said section, after the word "city," these words: "and assess and collect the costs and expenses of the said work in the manner provided in the two sections next immediately following."

mendment.

11. *And be it enacted*, That section fifty-eight be amended by inserting the word "grading," after the word "opening," and by striking out the words "so applied for," before the words "in proportion to," and that section fifty-ninth be

amended by striking out the word "ten," and inserting instead the word "twenty," before the word "days."

12. *And be it enacted*, That section sixty-fourth be amended by striking out the words "in cases where such repairs or improvements are not applied for in the manner prescribed by this title," and also striking out the words "the costs and expenses for repairing and re-laying as aforesaid shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and shall remain a lien thereon," and insert instead of the above clause, the following words: "and a particular statement and account of the expenses of said work to be rendered to them and recorded in their minutes and properly filed, which expenses and costs shall be and remain a lien upon such lot or lots until paid," and also by adding to the end of said section sixty-fourth, the following clause; "*provided also*, that when the grade of any street shall have been established by ordinance, and the work completed, that the council may by resolution direct, that the sidewalks of any street shall be regulated, flagged, paved, or the gutters curbed and paved, and it shall be lawful for the council to require the work to be done by the owner or occupant of lots fronting or adjoining such street, and if the owner or legal representative or guardian of the owner of any lot in front of which said work shall by such resolution be directed to be done shall neglect to comply with such resolution within two months after the passage and publication of the same, it shall be lawful for the council to cause the work to be done agreeably to the resolution, for such person so neglecting, and to cause a particular statement and account of the expenses of said work to be rendered to them and recorded in their minutes, and properly filed, which said expenses and costs shall be and remain a lien upon such lot or lots until paid, and be collected as provided by this charter for the collection of assessments for improvements." Amendment.

13. *And be it enacted*, That section seventy-first be amended by striking out "and" after "sworn," and inserting instead thereof the word "or," and section seventy-sixth amended by inserting after the words "school houses" the words "alms houses or other," and also further amended by striking out the words "the mayor and council of" after the words "name of," and by adding to the end of said section Amendment.

the words "and said bonds shall be exempt from taxation," and that section eightieth be amended by inserting after the words "the real estate so purchased" the words "when approved by the council," and the eighty-first section amended by inserting the words "appoint and" before the word "prescribe."

Repealer.

14. *And be it enacted*, That all such parts of the act to which this is a supplement as are inconsistent with any of the provisions of this act, are hereby repealed, and said original act shall be hereafter taken and read as if the provisions of this supplement had been originally contained in said act.

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

Approved April 5, 1871.

CHAPTER CCCDXCI.

A Further Supplement to the act entitled "An act concerning Roads."

Taxes, how collected.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all taxes assessed for making and repairing roads in the township of Randolph, in the county of Morris, shall be paid in money and collected by the collector of said township at the same time and in the same manner as other taxes are collected in said township for other township and county purposes.

Power of township committee.

2. *And be it enacted*, That the township committee of said township shall have the supervision, management and control of the making and repairing of all roads in said township outside of the limits of the corporation of the town of Dover, and for that purpose it shall be their duty, and they shall have power annually to appoint a competent person to superintend the making and repairing of all roads aforesaid, and who shall be called "The Commissioner of Roads of Randolph Township," and who shall hold his office at the pleasure of said township committee.

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

commissioner to proceed, under the direction of said township committee, to procure machinery and implements, and hire laborers and teams necessary and proper for making and repairing all roads aforesaid, and to make and repair the same. Duty of commissioner.

4. *And be it enacted*, That said commissioner shall keep an account, in a book or books to be procured for that purpose, in such manner as said committee shall direct, of all purchases by him made and all laborers and teams employed by him, and the time each one shall be employed in work upon said roads, and the price agreed to be paid therefor, and shall render transcripts thereof under oath to the township committee in such form as shall be prescribed, and as often as the same shall be required by said committee, and shall be liable to be indicted for perjury for any false swearing in any such transcript. Commissioner to keep accounts and make statements.

5. *And be it enacted*, That said commissioner shall receive for his services the sum of three dollars and no more, for each and every day of ten hours that he shall be actually employed in the duties of his office, of which he shall keep an account in his book, and enter the same upon said transcript; and it shall not be lawful for any such commissioner to make or receive any pecuniary gain, profit or advantage whatever over and above the said daily compensation out of any transaction connected with his said office, or the working and repair of said roads under his care, and if he shall directly or indirectly make or receive any such gain, profit or advantage he shall be liable to account for the same to the inhabitants of said township, and shall also be deemed guilty of a misdemeanor, and to be indicted and convicted therefor, and punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year. Compensation of commissioner. Penalty for receiving any gain or profit, &c.

6. *And be it enacted*, That it shall and may be lawful for said township committee at any time after the road tax in any year shall be ordered to be assessed, and before the same is collected, to pledge the credit of the township for a loan or loans of any sum or sums of money not exceeding in all four-fifths of so much of such tax as shall be assessed outside the limits of the town of Dover, to be by them expended in paying the expense of such making and repair of the roads of said township for the current year, and the road tax for that year when collected, shall be first applied towards repaying such loan, and so much thereof as shall not be Township committee may borrow money.

needed for such payment shall be used by said township committee in paying the expense of making and repairing the road as aforesaid.

Act, how to be construed.

7. *And be it enacted*, That nothing in this act contained shall be construed to give said township committee power to use and expend any of the road tax moneys, which under the act of incorporation of the town of Dover the corporation authorities of said town are authorized to demand and secure from the collector of said township.

Provisions of act to apply to any town or townships.

8. *And be it enacted*, That the provisions of this act shall apply to any town or township in this State, provided that a majority of the legal voters therein shall vote therefor at any regular town meeting, or at any special town meeting called for that purpose, as now provided by law for special town meetings; the commissioner appointed in any township availing itself of the provisions of this act to be called the commissioner of roads of ——— township.

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

Approved April 5, 1871.

CHAPTER CCCCXCII.

An Act to enable the city of Paterson, by consent of the legal voters of said city, to purchase the property and franchises of The Passaic Water Company.

Preamble.

WHEREAS, for many years last past there has been much discussion and many attempts on the part of the city government of the city of Paterson for the purchase of the corporate rights and franchises and property of The Passaic Water Company; AND WHEREAS, the present city government are unwilling to assume the responsibility for such purchase without some expression of the public will, to be by the votes of the city of Paterson for or against such purchase; therefore,

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

the duty of the mayor of the city of Paterson, by proclamation to be published at least six days in the Paterson Daily Press, and the Paterson Daily Guardian, to order an election for the purpose of submitting to the votes of the people of said city the question of the purchase of the corporate rights, franchises, personal property and real estate of The Passaic Water Company, and that at such election, to be held on the First Wednesday in May next, only the legal voters of said city shall be permitted to cast their votes for or against the city purchase of the corporate rights, property and franchises of said company; and that the ballots used at such election shall only contain the words "in favor of the purchase of The Passaic Water Company," or "against the purchase of the works of Passaic Water Company," and if at such election it shall be found that the majority of the legal voters of said city have voted in favor of the purchase of The Passaic Water Company, it shall be lawful for the mayor and alderman of the city of Paterson and they shall have power to purchase the corporate rights, franchises, and the real and personal property of The Passaic Water Company, including therein all their reservoirs, pumping powers, pumps, pipes, hydrants, with the appurtenances; *provided, however*, that it shall not be lawful for the said mayor and aldermen to pay for said works in the bonds of said city, as hereinafter provided, more than the sum of six hundred thousand dollars for the water works of the said company, nor more than the sum of one hundred and fifty thousand dollars for the real estate of said company, and such real estate, when purchased, shall thereafter remain and be held by the city of Paterson, for the free use of all of the inhabitants of the city of Paterson for a public park.

Mayor to order election by proclamation.

Day of election.

Mayor and aldermen to purchase works if majority of voters decide.

Proviso.

2. *And be it enacted*, That if the mayor and aldermen of the city of Paterson shall, under the powers conferred by virtue of this act and other laws of this State, elect so to purchase the works of said company as aforesaid, it shall be lawful and they are hereby authorized and empowered to issue the coupon bonds of the city of Paterson, bearing interest at seven per centum, payable semi-annually, and payable in twenty years from the date of such purchase, for the sum of such purchase; *provided* the same shall not exceed the sum or sums in the last section mentioned.

Empowered to issue bonds, &c.

Proviso.

3. *And be it enacted*, That the polls at such election shall be opened at the time and place now provided for the hold-

Election, how and by whom conducted.

ing of the next municipal election for the city of Paterson, and that the persons eligible to hold the next city election, as judges of election and clerks, shall be the judges of election and clerks at the election hereinbefore directed to be held under the proclamation of the mayor of said city on the first Wednesday in May next, and if it shall happen that the judges of election or clerks of any election district or ward of said city shall be unable to attend to the same, or shall be absent or ill and not in attendance at the time and place of opening the polls at such election, it shall be lawful for the legal voters of said elective district or ward to elect judges and clerks in place of those who shall fail to be in attendance to perform their official duties at this election; and that the polls at this election shall open at seven o'clock in the morning, and shall close at seven o'clock in the evening of the third day of May next; and a statement of the result of such election shall be duly attested by the judges and clerks holding such election, and the same affiled with the city clerk of the city of Paterson, within twenty-four hours after the closing of the polls upon the day of such election, and that the mayor and aldermen of the city of Paterson shall canvass and make a statement of the result of such election, and such statement, signed by the president of the board of aldermen and the city clerk, shall be duly filed in the office of the city clerk of said city.

Statement to be made.

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

Approved April 5, 1871.

CHAPTER CCCCXCIII.

An Act to divide the township of Woodside between the city of Newark and the township of Belleville.

Territory annexed to city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Woodside, contained within the following description or boundaries, that is to say: beginning at the intersection of the centre of the Second river with the centre of Passaic

river; thence, (1) running southerly along the centre of Passaic river, the several courses thereof, to the northerly line of the city of Newark; thence, (2) westerly along the said line of the city of Newark to the centre of the Great Boiling Spring, at the line of the township of Bloomfield; thence, (3) northerly along said line to the centre of Branch brook; thence, (4) northeasterly along the centre of said brook, the several courses thereof, to the centre of Second river; thence, (5) down along the centre of Second river, the several courses thereof, to the centre of Passaic river, and the place of beginning, shall be, and hereby is annexed to the city of Newark, and all the provisions of an act entitled "An act to revise and amend the charter of the city of Newark," and the various supplements thereto, and all the laws of the State applicable to the city of Newark shall be in full force and application in said portion so as aforesaid annexed, the same as if said portion constituted a part of the original territory of said city; *provided nevertheless*, that the inhabitants and tax-payers of said portion of said township of Woodside hereby annexed to the city of Newark, shall not be liable to assessment or to pay any tax on account of the war or bounty debt of said city. Proviso.

Territory annexed to Belleville township.

2. *And be it enacted*. That all of said township of Woodside not included within the above mentioned boundaries, shall be and hereby is annexed to the township of Belleville, and all the laws of the State of New Jersey applicable to the township of Belleville, shall be in full force and application in said portion so as aforesaid annexed, the same as if said portion constituted a part of the original territory of said township; *provided nevertheless*, that the inhabitants and tax-payers of the said portion of the township of Woodside hereby annexed to the said township of Belleville, shall not be liable to assessment or to pay any tax on account of the war or bounty debt of said township of Belleville. Proviso.

Eighth ward and assembly district.

3. *And be it enacted*, That so much of the said township of Woodside as is, by virtue of this act annexed to the city of Newark, shall become a part of the Eighth ward of said city of Newark, and shall constitute part of the same congressional and assembly districts as those in which the said ward has been heretofore included.

4. *And be it enacted*, That so much of said township of

Assembly district.

Woodside as is, by virtue of this act, annexed to the said township of Belleville, shall constitute a portion of the same congressional and assembly districts as those in which the said township of Belleville have been heretofore included.

Commissioners to allot and divide property.

5. *And be it enacted*, That James S. Gamble, Horace H. Nichols and Charles Akers, of the township of Woodside; John Dow, of the township of Belleville; James G. Barnet, Daniel Dodd and Horace J, Poiner, of the city of Newark, shall be, and are hereby appointed commissioners to allot and divide and set over to the city of Newark and to the township of Belleville, all properties belonging, and moneys on hand, due or to become due to the said township of Woodside, in proportion to the taxable property and ratables as taxed by the assessor of the said township of Woodside, within the limits of the portion of said township hereby annexed to said city of Newark, and the portion hereby annexed to the said township of Belleville, at the last assessment; and to ascertain the just proportion of debts, if any there should be now owing by the said township, to be paid by the city of Newark and the township of Belleville, according to the same proportion; said

Time and place of meeting.

commissioners shall meet at the City Hall, in the city of Newark, on the second Wednesday of April, next ensuing, at ten o'clock in the forenoon, and may adjourn from time to time as the majority may direct; and if any of the said commissioners should die, or neglect or refuse to serve, or meet as aforesaid, those assembled may proceed to fill the vacancy by the appointment of a suitable person, who shall be a citizen of the place in which such deceased or absenting officer resided; the decision of the majority of the

May execute and deliver deeds and releases.

commissioners shall be final and conclusive, and the said commissioners may execute and deliver valid deeds and releases for the conveyance of the property aforesaid, and the mayor and common council of the city of Newark, and the inhabitants of the township of Belleville, in the county of Essex, shall pay the proportion of the existing debt of the said township of Woodside, determined on as aforesaid, at the time or times when payment of principal or interest thereon shall become due and payable.

To prepare and make duplicates of allotment and division.

6. *And be it enacted*, That the said commissioners shall, when they have completed the said allotment and division, and shall have ascertained the proportion of said debts to be paid by the mayor and common council of the city of

Newark, and the inhabitants of the township of Belleville, in writing as aforesaid, prepare forthwith a duplicate of the same, and deliver one of the said writings to the clerk of the common council of the said city of Newark, and the other to the clerk of the said township of Belleville, to be by them filed and preserved.

Paupers, to whom chargeable.

7. *And be it enacted*, That any pauper who has acquired a settlement within that part of said township of Woodside hereby annexed to the city of Newark, shall be chargeable to the city of Newark; and any pauper who has acquired a settlement within the part of said township hereby annexed to the said township of Belleville, shall be chargeable to the said township of Belleville.

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

Approved April 5, 1871.

CHAPTER CCCCXCIV.

A Supplement to an act entitled "A supplement to 'An act to establish a new township in the county of Union, called the township of Linden,'" approved March seventeenth, one thousand eight hundred and seventy.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of an act entitled "A supplement to an act entitled 'An act to establish a new township in the county of Union, called the township of Linden,'" approved March seventeenth, one thousand eight hundred and seventy, be amended by striking out the words "of making and repairing the roads, streets, highways or avenues in said district, and such additional sum or sums of money in said district as they may determine for the construction of sidewalks therein," in the twenty-third, twenty-fourth, twenty-fifth and twenty-sixth lines in said section, and substituting therefor the words "of laying such sidewalk or portion thereof with stone, plank or composition as asked for in such petition;" and by

striking out the words "three-sixths of" from the thirty-sixth line in said section; and the words "from the amount authorized to be raised for that purpose," in the thirty-seventh and thirty-eighth lines in said section.

Legal voters empowered to raise money by tax for making and repairing roads, &c.

2. *And be it enacted*, That whenever a petition in writing shall be presented to the township committee, signed by twelve freeholders and voters in any one of the said road districts for that purpose, the township committee shall immediately issue, or cause to issue, a call for a meeting of the legal voters resident in said district, signed by the town clerk, which shall be posted in three of the most public places in said district for at least five days before such meeting shall be held, stating the time, place and object of the meeting, at which time the legal voters so convened, or a majority of them then present, shall be authorized and empowered to raise by tax such sum or sums of money in said district as they may determine, for the purpose of making and repairing the roads, streets, highways or avenues in said district; said tax to be assessed and levied against and collected from the inhabitants of such road district by the township committee in the same manner, at the same time and by the same means as other township taxes are assessed, levied and collected.

Owners of two-thirds of lineal feet may petition for improvement.

3. *And be it enacted*, That whenever a petition in writing shall be presented to the township committee, signed by the owners of two-thirds of the number of lineal feet on both sides of any road, street, avenue or highway in said township, or upon so much thereof as lies between two points named in said petition, requesting to have a sewer or drain constructed under ground in said street, avenue, road or highway, or in so much thereof as lies between the points designated in said petition, or requesting to have said street, avenue, road or highway, or so much thereof as lies between the points designated in said petition, graded, curbed and guttered, or paved with any kind of pavement, and setting forth the depth and size of said sewer or drain, and of what materials the same shall be constructed, of the extent of such grading, or the depth and width of said curbs and gutters, and the materials to be used therefor, or the amount of said paving and the materials to be used therefor, as the case may be, called for by such petition; the township committee shall without delay

proceed to ascertain the cost of such work, and shall have the same done by contract in the manner and of the size and materials mentioned in said petition; and said township committee shall pay therefor from moneys in their hands to the person or persons who shall be employed by them to do such work, and shall assess the whole cost of such work upon the owners of the lands on both sides of said street, avenue, road or highway, or that part thereof between the points designated in said petition, as the case may be, proportionally; which assessment or asessments shall be a lien upon all the lands so benefitted, proportionally, until the same shall be paid; the basis of such assessment in all cases to be the number of lineal feet owned by each person in front of whose land on said street, avenue, road or highway, or between the points thereof designated in such petition, such sewer or drain shall be excavated and constructed, or such grading, curbing and guttering or paving shall be done, which assessment shall be payable by the person so assessed proportionally as follows: one fifth thereof together with interest on the whole sum due at seven per centum per annum each year from the completion of such improvement, until the whole shall be paid; the township committee shall deliver to the township collector a copy of said assessment and statement each year of the amount or portion of such assessment due for that year, with said interest from each person so assessed; and the said collector shall include in the tax bills of the persons against whom such sums shall have been assessed by virtue of this act, the respective sums so stated to be due from them for that year, which are hereby made payable and collectable at the same time, in the same manner and by the same means as the township taxes are; and the said township committee is hereby authorized to borrow money in such sums as may from time to time be necessary to carry out the purposes of this act, and for that purpose to issue bonds in the names of The Inhabitants of the township of Linden in the county of Union, executed under the hands and seals of said township committee or a majority of them, and payable at such times as the said committee shall deem proper, bearing interest at a rate not exceeding seven per centum per annum; *provided*, that no bond shall be disposed of by said committee for a less sum than five per centum discount off the par value thereof, and that the bonds so issued

Township committee to have the work done by contract.

Cost to be assessed on owners of lands.

Township committee may borrow money and issue bonds.

Proviso.

shall be made payable at a period or periods of time not to exceed ten years from the issuing thereof; *and provided further*, that the members of the township committee shall not be personally liable on such bonds.

Proviso.

Taxes to be assessed and collected for payment of bonds.

4. *And be it enacted*, That the township committee be and they are hereby authorized and required to provide by taxation for the payment of the said bonds and interest thereon, in case of the failure from any cause to collect sufficient of the assessment mentioned in the third section of this act, to pay the same when due, which taxes shall be assessed and collected as other township taxes are.

Overseers of highways to give bond, &c.

5. *And be it enacted*, That the overseers of highways who shall be hereafter elected or appointed in and for said township of Linden, shall each, before entering upon the duties of his office, give bond to the inhabitants of the township of Linden, in the county of Union, with two sureties being freeholders in said township, and residents in said county of Union, and worth in real estate in said township, at least the sum of one thousand dollars each, in the sum of five hundred dollars, conditional for the faithful performance of the duties of his office, by such overseer, which bond in case of forfeiture, shall be prosecuted in the name of the obligees for the use of said township.

Penalty for driving upon sidewalks.

6. *And be it enacted*, That any person who shall drive or take any wagon, horse, or cattle upon any sidewalk, along any street, avenue, road or highway, in said township, shall for each offence forfeit and pay the sum of ten dollars with costs of suit, to be recovered in any court for the trial of small causes before any justice of the peace in said county, by any person suing for the same, five dollars of said forfeiture to go to the prosecutor, and five dollars to be paid to the collector of said township for the use of the township; *provided*, that no person shall be deemed to have committed such offence, by driving or taking any wagon, horse or cattle over any such sidewalk for the purpose of entering any lands situate on such highway.

Proviso.

Board of commissioners.

7. *And be it enacted*, That David Mulford, Frank B. Munsell, Ferdinand Blancke, John C. Rose and Frederick P. Williams, and their successors to be appointed as hereinafter provided, be, and they are hereby constituted a board of commissioners to be designated the "the Linden road board," for the purpose of laying out, vacating and altering public roads in said township of Linden; that the acts of a

majority of said commissioners shall be deemed the acts of the board, and that each of said commissioners and their successors shall, before entering upon the duties of his office, take and file in the office of the clerk of the county of Union, an oath or affirmation to act faithfully and impartially in the discharge of his duties as such commissioner, and shall give bond to the inhabitants of the township of Linden, in the county of Union, conditioned for the faithful discharge of his duties as such commissioner, with two sureties, being freeholders and residents in said county of Union, and worth twice the amount of the penalty of said bond, in the sum of three thousand dollars, which bond, in case of forfeiture, shall be prosecuted in the name of the obligees for the use of said township.

Shall take oath and give bonds.

8. *And be it enacted*, That the said board, subject to the restrictions hereinafter mentioned, are hereby authorized and invested with all the rights and powers necessary and expedient to vacate any public road, or part thereof, in said township, and to survey, lay out, locate, alter, widen and straighten such public roads in said township of Linden as to them shall seem necessary and proper for the convenience of public travel, which roads shall be of such width, not exceeding one hundred feet, as shall seem advisable; *provided, however*, that nothing herein contained shall be construed in any way so as to affect or impair the right of any private corporation in the said township to vacate, lay out, locate, alter, widen and straighten any public roads or streets and highways within the limits accorded to them by their charter.

Power to vacate, survey, lay out, alter, &c., public roads.

Proviso.

9. *And be it enacted*, That the said board, or their agents or others in their employ, shall have full power to enter at all times upon lands for any of the purposes contemplated in this act; and that any lands and real estate deemed necessary by the said board for the laying out, construction, widening or straightening of any such road, may be taken therefor, and that damages shall be allowed and benefits assessed by the said board to and against the persons owning the lands so taken, and benefitted respectively as hereinafter provided.

May enter upon and take lands.

10. *And be it enacted*, That whenever the board shall propose to lay out, locate, widen, straighten or vacate any public road, street or highway in said township, or any part or parts thereof, they shall, in the first place, make or cause

Map and survey to be made of any street proposed to be laid out, widened vacated, &c.

to be made, an accurate survey, with a map thereof showing the termini and routes of such road or parts thereof, including the courses and distances, and the various improvements through which the same passes or will pass, and also the names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained; and shall thereupon appoint a time and place when and where the said board will meet, between certain hours, for the purposes of exhibiting said map to public inspection, and of allowing the damages and assessing the benefits and expenses to and against the owners of the lands taken and benefitted respectively, through and in the neighborhood of which said road shall be laid out, altered or vacated; that such place shall be a public place in said township; that previous notice of said appointment shall be given by said board, signed by a majority of the members of the board, and set up in three of the most public places in said township at least ten days before the day so appointed; that in such notice it shall be necessary to state only the time and place of such meeting and the object of the same, shortly, giving only such short description of such road proposed to be laid out or vacated, or such widening or straightening of an existing road, as shall be sufficient to identify the same; that no notice to land owners or other parties interested shall be necessary other than that contained in the notice so to be set up; that the said board may adjourn and continue such public inspection of said map from time to time as they may appoint and publicly declare at any meeting; and they shall attend such meeting or meetings, and shall examine and inquire into any complaint or objection presented by any land owner or taxpayer for the purpose of ascertaining and determining whether such new road, or vacation or alteration of an old road, shall be required, and if so required, as to the best manner of laying out, locating, vacating, widening or straightening of the same; that the board, after such inquiry shall, in their discretion, have power to lay out, locate, vacate, widen or straighten said road or any part or parts thereof, with or without alteration of the original survey, as to them may seem fit; and that such determination of the board shall be by a resolution, entered upon the minutes of their proceedings, setting forth the courses and distances of said road, or said part or parts thereof, in words at full

Notice to be given of meeting of board.

Power to lay out, vacate, widen, &c., any road or any part thereof.

length; *provided, however*, that in case of any alteration of the original survey, a new and corrected map shall be prepared by the board in manner aforesaid. Proviso.

11. *And be it enacted*, That immediately upon the resolution of said board, in the next preceding section named, the said board shall make a fair, just and impartial assessment of the damages sustained by the owner or owners of any lands and real estate which may be taken for the laying out, constructing, widening or straightening any such road, or any part or parts thereof, including the value of the land taken, the cost of removing any buildings within the lines of such road, and of putting the same in a condition for use, the necessary expense of building suitable fences along said road, and the depreciation in value of the remaining lands of such owner or owners on account of such improvement, and to assess the said damages, together with the expense incurred by said board in the matter, as equitably as may be, upon the owner or owners of any lands and real estate in said township, either upon the line or in the vicinity of said road, which in the opinion of said board is or are benefitted by such laying out, vacating or alteration of said road, or part or parts thereof, and shall set forth such assessment fully upon the minutes of their proceedings; *provided however*, that such expenses shall include only the actual cost of making the survey and map of any such road, the fee of the clerk of said county of Union for filing and recording the report of the board, and the sum of three dollars a day, to be paid to each of said commissioners who shall actually engage in such proceeding, for each day only that he shall be so engaged. Board to make assessment of damages, &c. Proviso.

12. *And be it enacted*, That the township committee of said township of Linden shall pay to the said board the expenses and fees aforesaid, to which they shall be entitled, upon being satisfied of the correctness of the same, out of any money they may have in their hands; and shall at the next regular assessment of taxes in and for said township, succeeding such resolution and assessment of said board, cause the amount of said damages and expenses to be assessed against and collected from the person or persons upon whom the same have been assessed by said board, at the same time and in the same manner as the ordinary township taxes are assessed and collected, and shall pay said damages when so collected to the person or persons to Expenses and fees of board to be paid by township committee. Damages, &c., to be assessed and collected.

whom said damages have been awarded, or are entitled to receive the same, in the amounts such person or persons shall be entitled to, over and above the benefits assessed against such person or persons, after which the said road shall be opened for public use in accordance with the resolution of said board.

Board to make report and file the same with the map in county clerk's office.

13. *And be it enacted*, That the said board, within five days after their resolution determining to lay out, vacate or alter any road, and their allowance and assessments of damages and benefits, shall make out their report of the same, which report shall contain the resolution of said board, determining whether such road shall be required, or whether such road shall be vacated, widened or straightened, and the allowance and assessment of damages, expenses and benefits made and allowed by said board, which report the said board shall sign, or a majority of them, and shall file the same, together with the map by them finally made and determined upon of said road, in the clerk's office of said county of Union, and within said five days after said board shall have made said determination and assessment, and the said clerk shall record said return and said map in a book to be kept by him for that purpose, and shall be entitled to receive therefor the sum of three dollars, to be to him paid by said board.

Proceedings to be filed in county clerk's office.

14. *And be it enacted*, That said determination and resolution of said board, and their said report thereon, when filed in the office of said clerk of Union county shall be final as to the laying out, locating, vacating or altering of any such road.

Proceedings in case owners are dissatisfied with assessment for damages and benefits.

15. *And be it enacted*, That if any owner or owners of any lands or real estate shall be dissatisfied with any such assessment, whether for damages or benefits assessed to or against him, her or them, such owner or owners, at any time within thirty days after filing said report with the clerk of said county of Union by said board, may appeal therefrom by filing a written appeal with the clerk of the inferior court of common pleas of the county of Union, and the said court upon being satisfied by due proof that at least ten days' notice in writing has been given to said board by a service of such notice upon one of the members thereof, of the time and place of making such appeal, shall proceed to appoint three disinterested persons, being freeholders and residents of said township, to review the said assessment

and increase, lessen or confirm the same as to them shall seem fit and just; that they shall severally take and subscribe an oath or affirmation before a judge of said court of common pleas, to act fairly and impartially in the matter intrusted to them according to the best of their skill and understanding, and shall cause at least ten days' notice of the time and place of their meeting to be given to said board by written notice served on one of the members thereof; and they shall have power to adjourn from time to time, and to examine witnesses upon oath or affirmation (which oath or affirmation they, or either of them, is or are hereby authorized to administer,) and their report or the report of either two of them, under their hands, and filed in the office of the clerk of said county of Union, shall be final and conclusive upon all parties; the said freeholders shall be paid for their services five dollars a day, for each day they shall be engaged in such service; the said court for making such appointment the sum of four dollars, and the clerk of said county for filing and recording the report of said freeholders the sum of one dollar, which fees shall be paid by said appellant or appellants; the said county clerk shall record the return of the freeholders in the same book in which the report of the said board shall be recorded; and the allowance and assessment allowed and assessed by the said freeholders shall be assessed, collected and paid by the township committee in the same manner, at the same time, and by the same means, as is hereinbefore provided for the assessment and allowance made by said board.

Overseers may enter and excavate and grade lands, and to remove buildings, &c.

16. *And be it enacted*, That when the amount allowed to any person or persons for damages to his, her or their real estate over and above the amount assessed against such person or persons for benefits, by said board or such freeholders as the case may be, shall be paid or tendered to such person or persons by said township committee, upon notice being given to the overseer or overseers of the highways in whose district or districts any such road shall be laid out, widened or straightened, under and by virtue of this act, by said township committee, which notice shall be in writing and signed by the township clerk, such overseer or overseers shall, within ten days thereafter, proceed to open or alter such road in accordance with the report of said board, filed with the clerk of said county and to put the same in a travel-

ing condition, and for that purpose may enter upon the lands designated in such report as within the lines of said road, and to excavate, grade or otherwise improve the same as shall be necessary, and to remove any building or buildings therefrom, which building or buildings shall be removed to the other lands of the person or persons on whose lands the same are situate, which are nearest to said building or buildings without doing any more damage to the same than shall be necessary, and the said overseer or overseers shall not therefor be liable in any action at law, to the owner or owners of such lands or buildings; *provided*, that such overseer or overseers shall not remove any building or buildings from such road until the owner or owners thereof have neglected or refused to remove the same therefrom for the space of ninety days after the payment or tender to such person or persons of the amount of damages allowed to such person or persons by said board of freeholders as the case may be, over and above the benefits assessed against such person or persons by said board or said freeholders; *and provided further*, that if such overseer or overseers shall be obliged so to move such building or buildings, the cost of such removal shall and may be recovered from the owner or owners of said building or buildings before any court of competent jurisdiction, in a suit to be instituted against such owner or owners by "The Inhabitants of the township of Linden, in the county of Union."

Proviso.

Proviso.

17. *And be it enacted*, That the said commissioners in the first section of this act named, shall hold their said office until others shall be appointed under the provisions of this act; and that such commissioners, after the expiration of said term, shall be appointed by the township committee of said township of Linden, as follows, that is to say, five such commissioners shall be appointed at a meeting to be held for that purpose by said township committee, on the first day of March, in the year one thousand eight hundred and seventy-three, two of which commissioners shall be appointed to serve two years, and three of whom shall be appointed to serve one year only, and that on the first day of March in each year thereafter, the said township committee, at a meeting held for that purpose, shall appoint three such commissioners, two of whom shall hold their office for two years, and one of whom shall hold his office for one year only; if

Appointment and term of office of commissioners.

the first day of March, in any year when the said township committee are hereby required to meet for the appointment of such commissioners, shall be upon Sunday, or any legal holiday, then the said committee shall meet for that purpose on the day following; the said township committee shall have the power to fill any vacancy that may occur in said board by the death of any commissioner, or otherwise, by appointment at any time of some other person, who shall hold his said office during the remainder of the term of the commissioner whose place he was appointed to fill only; *provided, however*, that no person shall be appointed a commissioner under this act unless he shall at the time be a resident of said township of Linden; *and, provided further*, that of the five commissioners to be appointed by said committee, on the first day of March, one thousand eight hundred and seventy-three, at least two of them shall be appointed from the commissioners named in the first section of this act.

Vacancy, how filled.

Proviso.

Proviso.

18. *And be it enacted*, That the first section of the act to which this is a supplement shall be altered and amended, so that the description of road district number two, in said section, shall read as follows: beginning at a point which is five hundred feet southerly, in a line drawn at right angles thereto from the southerly line of a road called the "forty acre road," and also one thousand feet easterly in a line drawn at right angles thereto from the easterly line of the Edgar turnpike road; thence running northerly parallel with the said Edgar turnpike road to the boundary line between Linden township and the city of Elizabeth; thence along the said line northwesterly to a point one thousand feet easterly of the intersection of said boundary line with the easterly line of a road called St. Georges' avenue; thence southerly parallel with St. Georges' avenue to a point which would be intersected by a line drawn through the beginning point westerly, at right angles, to the first course; and thence easterly at right angles to the first course, to the beginning.

Amendment.

19. *And be it enacted*, That the sixth and seventh sections of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; and that this act shall be deemed a public act, and shall take effect immediately.

Repealer.

Approved April 5, 1871.

CHAPTER CCCCXXCV.

An Act to incorporate the Cape May Cranberry Company of Cape May county.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis Edwards, Calvin S. Edwards, Francis Edwards, Elmer T. Edwards, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name

Name.

of "The Cape May Cranberry Company of Cape May county," for the purpose of buying, holding, cultivating and improving lands in Cape May county, and for raising and selling cranberries and other fruits and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and

Powers.

their successors, by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands, and for such purposes the said company shall or may raise by subscription, by opening the

Capital stock.

books therefor or otherwise, a capital stock of fifty thousand dollars, with liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of twenty dollars each.

Affairs to be managed by board of directors.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of three directors, one of whom shall be president, and a majority of whom shall have all the powers of the board; and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this State as the by-laws

may provide; and that until an election for directors shall be held, Lewis Edwards, Francis Edwards and Elmer T. Edwards shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. First directors.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable as the by-laws may prescribe, but no dividends shall be made to the stockholders, except from the net profits of the corporation; and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection, and that their principal office shall be in Cape May county in this State. Stock to be personal property. Principal office.

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

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable. General powers.

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

Approved April 5, 1871.

CHAPTER CCCCXCVI.

An Act to incorporate the Homestead Mutual Fire Insurance Company, of Belleville, New Jersey.

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

Corporate name.

Powers.

Capital stock.

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

Capital stock may be increased.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors to such amounts as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock, after giving twenty days' previous notice in two newspapers published in the city of Newark; and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others; and the terms of said subscribtion shall be fixed and determined by the said directors, and notice given as above directed.

4. *And be it enacted*, That the stock, property, affairs and

concerns of said company shall be managed and conducted by fifteen directors, seven of whom shall constitute a quorum to transact business, and said directors, at all times during their continuance in office, shall be stockholders in their own right in the said company; and the said directors shall hereafter be elected on the second Tuesday in January in each and every year, except in the case of the election of the first board of directors as provided in the fifth section of this act, at such hour of the day, and at such place in the township of Belleville as the board of directors for the time being shall appoint, of which election public notice shall be given in two newspapers published in the city of Newark, at least ten days previous to such elections, and every such election shall be by ballot, and by a plurality of the votes, each stockholder being entitled to one vote for each share of stock standing in his or her own name on the books of the company. Election of directors.

5. *And be it enacted*, That when the said capital stock of fifty thousand dollars shall be subscribed and twenty-five thousand dollars paid in, that then the subscribers to said capital stock, upon ten days' previous notice in a newspaper published in the city of Newark, given by the commissioners hereinafter named, shall proceed to the election of the board of directors, and said directors so chosen shall then divide themselves into three classes of five members each, one class of which shall serve as directors for one year, one class for two years and one class for three years; and at each annual election thereafter there shall be elected by the stockholders five directors, who shall serve as such for three years and until others are chosen, and said board of directors shall then proceed to the election of a president, who shall be chosen from said board of directors, and to the appointment of a secretary and treasurer, and of such other officers as may be necessary to manage the business of the company, and to allow them respectively such compensation for their services as in their judgment may be reasonable; and the office of secretary and treasurer may be filled by the same person; and the said president so elected shall preside until the next annual election thereafter, and any vacancy in the office of president or director may be filled by a majority of the directors at a meeting to be called, as the by-laws may provide, and in the absence of the president Directors to divide into three classes. President and other officers.

the directors may appoint a president pro tempore, who shall exercise such powers and duties as the by-laws shall prescribe.

Commissioners to open books and receive subscriptions.

6. *And be it enacted*, That Gasherie DeWitt, William H. Webster, James H. Van Rensselaer, Hugh Holmes, Theodore Sandford, C. C. Hine, Andrew Little, William Jackson, John W. Dow, Captain James Harvey, S. V. C. Van Rensselaer, Nicholas N. Joralemon, Dr. D. M. Skinner, be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners, or a majority of them, so to do

May insure against loss by fire, and insure steam boilers.

7. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings and personal property of all kinds, against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance; and may also insure steam boilers against loss by explosion, upon such rates and conditions as shall be contained and stated in the policy of insurance.

Policies or contracts binding on company.

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

Stock, how transferable.

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

May purchase and hold real estate.

10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much

real estate as shall and may be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate or securities mortgaged or pledged to the said company or to secure the payment of any debts which may be contracted with the said company, and to redeem the moneys so pledged or secured either at law or equity; and also to purchase on sale made under judgment at law, or done in equity or any other legal proceedings or otherwise, to receive and take any real estate in payment or towards satisfaction of any debts previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this State, or of the United States, or of the States of New York, Ohio, Pennsylvania, Massachusetts or Connecticut, as also of the stocks or securities created by said States or the United States, or in bonds secured by mortgage on unincumbered real estate within this State, worth double the amount of money invested or loaned.

May invest capital in public stocks, or in bonds and mortgages.

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

Dividends.

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

Insured may participate in the profits.

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

Limitation.

Approved April 5, 1871.

CHAPTER CCCCXCVII.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Pompton Turnpike Company," passed the twenty-fourth day of February, one thousand eight hundred and six.

May abandon part of turnpike road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall and may be lawful for the president and directors of the Newark and Pompton Turnpike Company to abandon so much of said turnpike road laid out and constructed under the act to which this is a further supplement,

Limits.

as lies between Meads basin, on the Morris canal, and the branch of said turnpike leading to Pine brook, at a point about two hundred feet north of the toll gate at Mount Prospect, in the township of Caldwell, said road, between the limits aforesaid, being known as the Pompton branch of said turnpike road; and also so much of said turnpike as lies in Morris county, between the Passaic river and the fast lands formerly of James Van Dyne, being the upper end of said branch leading from Caldwell to Pine brook; and that such parts of said road be discharged from the operation and effect of the said act, and shall be deemed to be and shall be worked and managed as a public highway; and whenever said corporation now owning said turnpike shall execute, under their corporate seal and the hand of their president, a writing or writings surrendering or granting to the respective townships through which said turnpike runs, such parts of said Pompton branch as lies within said townships severally and respectively, and shall deliver the same to the clerks of said townships, the said road or turnpike shall be deemed and taken to be abandoned by said corporation, and to belong to said townships respectively, in the same manner as other public highways, and said corporation shall be released and discharged from all obligations and liabilities

Corporation released from all liabilities.

whatsoever in reference to the same, and shall exercise no further control or authority over that part of said road so abandoned, or receive any toll on the same.

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

Approved April 5, 1871.

CHAPTER CCCCXCVIII.

An Act to incorporate the Oak Wood Cemetery Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. McPherson, N. Norris Halstead, James K. Selleck, Benjamin G. Hann, Michael Nathan, John W. Harrison, John D. Hunt, John W. Smith, Charles J. Gilbert, Ezra A. Carman, and such others as shall become associated with them, shall be and are hereby created, declared and constituted a body corporate and politic by the name of "The Oak Wood Cemetery Association," with the general powers and privileges of a corporation. Corporators. Corporate name.

2. *And be it enacted*, That the said association shall have power to purchase, to take and hold in fee, a tract or tracts of land situated in either the counties of Hudson or Bergen, in the State of New Jersey, not to exceed two hundred acres, for the use and purposes of a cemetery, and erect theron such buildings and other improvements as the directors may deem suitable and necessary for the objects of the said corporation, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, signed by the president and secretary thereof, to be used only as a cemetery, for the burial of deceased persons, with the use and privilege of the several avenues, passages and walks, and other accommodations therein and thereunto belonging, subject, however, to such rules, regulations and restrictions as may be established in relation thereto by any by-law or ordinance of the said association; transfers of May purchase and hold land for cemetery.

sub-lots or rights thereunto may be made by the owner or owners thereof, by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

May sell lands unsuited for the purpose.

3. *And be it enacted*, That if any part of the lands purchased by the said corporation, for the purpose aforesaid, shall be unsuited for the purpose of a cemetery, or if the title made to such corporation should contain any restriction prohibiting them from using such land for such purposes, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited for or which they are prohibited from using for said purpose.

Directors, how elected and their powers.

4. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of ten persons, a majority of whom shall be residents of this State, and who shall be elected annually, at such time and place as the by-laws may direct, upon notice given at least ten days previous thereto, by advertisement in two newspapers published or circulated in the county where said cemetery is now or shall hereafter be located; at which election each share of stock shall entitle the holder thereof to one vote; and the said directors shall elect one of their number president, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number, until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several plats and lots such prices as they shall deem reasonable and proper; and shall have the sole charge, control and superintendence of said cemetery.

Failure to elect directors not to be dissolved.

5. *And be it enacted*, That until the first election of directors, the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, upon due notice being given by the directors; and the directors for the time being shall continue to hold their office until others are chosen.

6. *And be it enacted*, That the sum or consideration which

the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting fences, buildings and other necessary accommodations, shall be the capital stock of the said association, and shall be divided into shares of one hundred dollars each. Capital stock.

7. *And be it enacted*, That on the sale of any or all of the lots or plats in said cemetery, not less than twenty-five per centum of the net proceeds shall be appropriated or funded for the further embellishment and maintaining the improvements, fences and other accommodations of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests, and whatever sum shall be funded as aforesaid, the same shall be free from all taxes and assessments, and no taxes or assessments shall be imposed on the lot owners therefor. Income of capital stock, how expended.

8. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice as they may deem reasonable, and a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of all moneys paid thereon, and all rights by virtue of his or her subscription to such stock, shall be vitiated. Subscriptions may be called in on notice.

9. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock and the property which they may acquire, hold or possess, and the real estate of said corporation and the said lots and parcels when conveyed by the corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt. Corporation exempt from taxation.

10. *And be it enacted*, That no public street or road shall hereafter be opened through the cemetery grounds without the consent of the said corporation. Consent to be had before opening street or road.

Persons that may hold lots.

11. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery adjacent to each other, in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by the said board of directors.

May hold property by grant, &c., and to apply the same for the improvement of cemetery.

12. *And be it enacted*, That the said corporation may take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof under the direction of the board of directors, for the improvement or embellishment of the said cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or gravestone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purposes of this act, according to the terms of such grant, donation or bequest.

General act made part of this act.

13. *And be it enacted*, That the provisions of the eighth section of the act entitled "An act authorizing the incorporation of rural cemetery associations," approved March fourteenth, one thousand eight hundred and fifty-one, be and the same are hereby made part of this act.

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

Approved April 5, 1871.

CHAPTER CCCCXCIX.

A Further Supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, one thousand eight hundred and thirty-five.

Acts not to be construed to authorize company to vary the surveys and routes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing contained in any supplement or amendment to said act entitled "An act to incorporate the Morris and Essex Railroad Company,"

which may have been passed since the ninth day of January, one thousand eight hundred and seventy-one, shall be so construed as to authorize said company to vary the surveys and route of any of its branch roads, as the same now exist within the present corporate limits of the city of Paterson, in Passaic county, State of New Jersey.

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

Approved April 5, 1871.

CHAPTER D.

An Act to incorporate the Hunterdon Mutual Life Insurance and Trust Company of New Jersey, to be located at Junction, Hunterdon county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Rinehart, Staats N. Parks, Lewis Young, William Smith, Marcus D. Wells, Dennis Sullivan, George F. Crater, Stephen H. Brown, David H. Banghart, John Gorduen, Johnson D. Banghart, Augustus E. Sanderson, Edward Humphrey, and their associates, successors and assigns forever, be and they are hereby constituted a body politic and corporate, by the name of "The Hunterdon Mutual Life Insurance and Trust Company of New Jersey," and by that name shall be and they are hereby empowered to receive by purchase or otherwise, and to hold, possess and enjoy such real and personal estate as may by them be deemed necessary for the transaction of their business, and the same to lease, mortgage, sell or otherwise dispose of at pleasure; to sue and be sued, implead and be impleaded in all courts of law and equity of this State; to have and use a common seal, and to change the same at pleasure; and to make such by-laws and regulations, not repugnant to the constitution and laws of the United States or of this State, as they may deem proper for the management of said corporation and the transaction of its business. Corporators. Name. Powers.

2. *And be it enacted*, That the affairs of the said company

Directors and their powers.

shall be administered by a board of thirteen directors, a majority of whom shall be residents and citizens of this State; and the seat of any director who shall have neglected to attend four successive meetings may be vacated by the board; and when the seat of any member of the board shall from any cause become vacant, the other members may fill such vacancies by the vote of the majority of the board, such vacancies to be filled at the first regular meeting of the board held after such vacancies have occurred; the persons named in the first section of this act shall be the first directors of this company; the directors shall meet annually, on the third Monday in April, and choose two of their number as president and vice 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 company, which officers so chosen and appointed shall continue in office one year, and until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their office, respectively, and shall give security for the faithful execution of the duties of their office in such sum or sums and with such securities as may be directed by the board of directors.

Vacancies, how filled.

May make insurance upon lives.

3. *And be it enacted*, That the said company shall have power: first, to make insurance predicated upon the lives of persons, and to make contracts upon any and all conditions appertaining to or connected with life risks, of whatever kind or nature, issuing policies, stipulated to be with or without participation by the insured in the profits of the company; second, to cause themselves to be insured whenever and to whatever extent they may deem it expedient.

Losses, how paid.

4. *And be it enacted*, That all sums of money received as premiums on the above classes of risks, shall constitute two separate funds, and all losses shall be paid out of the premiums received for the class of risks in which the loss occurs.

Make insurances against non-fatal accidents.

5. *And be it enacted*, That it shall and may be lawful for the said company to make insurances against non-fatal accidents and other causes of disability, on such terms and conditions as shall from time to time be ordered and provided for by the by-laws of said company.

May insure against accidents.

6. *And be it enacted*, That it shall be lawful for this company to insure against accident in traveling or otherwise,

and carry on the same as a separate department, as by the by-laws and regulations from time to time made by this company shall prescribe.

Policies binding on company.

7. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, shall be made with the seal of said corporation, and shall be signed by the president, or in his absence, by the vice president, and countersigned by the secretary, and being so executed, shall be binding and obligatory upon the said company according to the true intent and meaning of the said policies and contracts, and all such policies and contracts may be so made, signed, executed and attested, without the presence of the board of directors, subject at all times to the by-laws of said corporation.

Who eligible to the office of director.

8. *And be it enacted*, That none but members who shall have value insured in the class to participate in the profits of the company shall be eligible to the office of director, and none but directors shall be eligible to the offices of president or vice president; and in case any director shall cease at any time to be insured in the class aforesaid, he shall, ipso facto, cease to be a director.

May take and hold real estate.

9. *And be it enacted*, That it shall and may be lawful for said company to take and hold any real estate, bona fide, mortgaged or pledged to said company, or to secure the payment of any debt due the said company, and also to purchase at sales made in pursuance of the judgment or decree of any court of law or equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or satisfaction, either in whole or in part, of any debt previously contracted and due said company, and to hold the same until they can with advantage to said company convert the same into money or other personal property, to invest any or all of the surplus profits of said company as the board of directors may deem fit, and in such manner as they may prescribe; *provided*, that no loans shall be made on any real estate situated without this State, and to demand all such loans when due, and to enforce the payment of and re-invest the same whenever such action may be deemed expedient.

Proviso.

May receive money on deposit.

10. *And be it enacted*, That the said company may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe, and the said company may accept and execute all such

trusts, of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court.

Rate of interest.

11. *And be it enacted*, That it shall be the duty of the directors to regulate the rate of interest to be allowed to the depositors; *provided*, that said rates of interest may be so regulated as that the interest allowed to depositors having one thousand 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 that no interest shall be allowed for money which shall have been withdrawn from deposit before three months.

Proviso.

Certificates of deposits.

12. *And be it enacted*, That all certificates or evidence of deposits made under the hand of the proper officer of this company, shall be as binding as if the same were made under the common seal.

Minors may give acquittance for deposits.

13. *And be it enacted*, That it shall be lawful for the said company, at their discretion, to pay to any depositor being a minor, such sums as may be due to such depositor, not exceeding five hundred dollars, 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*, the 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 thereon, and receive and withdraw the same; and such deposits shall not be subject to the control of the husband or liable for his debts, nor shall money deposited by single women be subject, in case of marriage, to the use or control nor liable for the debts of the future husband.

Proviso.

Deposits by females not to be controlled by husband.

Books of account to be kept.

14. *And be it enacted*, That said corporation shall keep proper books of account, which at all reasonable times shall be accessible to the members of said association.

Act may be extended, &c.

15. *And be it enacted*, That it shall be lawful for the Senate and General Assembly of this State, at any time hereafter, to amend, modify, or repeal this act as they shall think proper, or to appoint a committee of their number to examine into the affairs of said corporation when in their opinion it may be necessary.

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

Approved April 5, 1871.

CHAPTER DI.

An Act to incorporate The Home Savings Bank of New Brunswick, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles M. Herbert, William Rowland, Amos Robins, Albert L. Runyon, John H. French, Kenneth I Duncan, Lewis R. Dunham, Charles C. Wells, Isaac L. Fisher, Ignatius Frankenstein, Rudolph H. Becker aud their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Home Savings Bank," to be located in New Brunswick, Middlesex county, New Jersey. Corporators. Name.

2. *And be it enacted*, That the business of the said corporation shall be conducted by nine managers or directors, five of whom shall constitute a quorum, and the seat of any manager or director who shall have neglected to attend for six successive meetings, may be vacated by the board; and when the seat of any member of the board of directors shall from any cause become vacant, the other members may fill such vacancy by the vote of the majority of the board, such vacancies to be filled at the first regular meeting of the board held after such vacancy having occurred; the first directors or managers shall be elected from the persons named in the first section of this act, by a majority of the votes, the aforesaid incorporators having the right to vote by proxy; there shall be an annual meeting of the board, held on the first Monday of May, in each year, for the purpose of choosing one of their number president, and appointing a cashier, and such other officers or agents as may be deemed necessary to conduct the business of the bank, which officers so chosen or appointed, shall continue in office for one year, and until others are chosen or appointed in their place; all officers so chosen or appointed shall be under oath for the faithful performance of the duties of their office, and shall give security, if required, for the faithful discharge of such duties, in such sum and with such sureties as the board may direct. Election of managers. Vacancy, how filled. Annual meeting.

May make and ordain by-laws, &c.

3. *And be it enacted*, That the board of directors or 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 receiving of deposits, paying out or investing the same by drafts, orders or otherwise; also for the election of officers, for prescribing their respective duties, for regulating the time and place of meeting of the officers and directors, and for the transacting, managing and directing all the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State, or of the United States, and shall not be altered so as to affect, injuriously, any one who may have been a depositor previous to such alteration.

Proviso.

May receive and invest deposits.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to such depositor, at such times, and with such interest, and under such regulations as the board of directors shall, from time to time, prescribe; and the said institution may accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferable to them by order of any court.

Deposits to be invested in public stocks or in bonds and mortgages.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States, and by the several States of the Union, or by the several counties, cities or towns in this State, under the laws thereof, nor upon bond and mortgage, except on unincumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with pledges of collateral securities, at least double to the amount loaned; *provided*, said loan shall, at no time, exceed twenty per centum of the whole amount of assets.

Proviso.

Regulation of interest.

6. *And be it enacted*, That it shall be the duty of the board of directors to regulate the rate of interest allowed the depositors, so that they shall receive a just proportion of the profits of the business of the said corporation, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the rate of

Proviso.

interest may, at the discretion of the board of directors, be so regulated as that the interest allowed any depositor having more than one thousand dollars deposited, shall be at least one per centum less than the rate allowed to other depositors; *and provided*, that the said corporation shall not be required to allow interest upon any deposit of a less amount than five dollars, nor upon the fractional parts of a dollar, nor upon the fractional parts of a month, and that no interest or dividends on account of any surplus or contingent fund, shall be allowed for moneys which have been withdrawn from deposit. Proviso.

Minors may give acquittance for deposits.

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

Deposits by females not to be controlled by husband.

8. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterward marry it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female as though she were single, and not subject to the control, nor liable for the debts of her husband, and to repay the same and interest and dividends, or any part thereof, upon her check, order or receipt or demand, without the concurrence of her husband, and such payment shall exonerate and discharge the said corporation from any farther liability thereof.

May purchase, hold, sell or lease real estate, &c.

9. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate or personal property, and the said corporation may sell, lease, or otherwise dispose of the same, or any part thereof, at their will and pleasure.

Depositor may appoint person to receive moneys.

10. *And be it enacted*, That a book shall be kept at the office of the institution in which any depositor shall be at liberty to appoint any person or persons to whom, in the event of his or her death, the money shall be paid if not

otherwise disposed of by will, and all payments made to the person or persons so appointed, shall be a full discharge of the claims against said institution.

No officer to receive compensation.

11. *And be it enacted*, That no compensation whatever shall be paid to any director, officer, agent, or employee or committee, upon examination of property offered as security for loans, or for any service whatever, until the same shall have been acted upon and established by a majority of the whole board of managers of said corporatiom.

Annual statement.

12. *And be it enacted*, That it shall be the duty of said institution to make an annual report to the Legislature of this State, under the oath or affirmation of the cashier, and a committee of three appointed for that purpose, of the members of the board, one of whom shall be the president, of the condition of its finances, and such statement shall be published in one of the papers in New Brunswick.

Act to be construed favorably.

13. *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 included, and that no misnomer of the said institution in any grant, deed, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described, so as to ascertain the intention of the parties; *and, provided also*, that the Legislature may, at any time hereafter, amend, modify, or repeal this act.

Proviso.

14. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved April 5, 1871.

CHAPTER DII.

An Act to incorporate the Union County Bank of Westfield, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert A. Drake, Francis T. Baker, Francis E. Morse, William T. Peek, Ludlow V. Clark, Augustus D. Shepard, John Prentiss, Amos Clark,

junior, E. G. Brown, and their associates, shall be and they are hereby created a body politic and corporate by the name of the "Union County Bank," and shall be located at Westfield, in the county of Union, State of New Jersey, and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the "Act concerning Corporations;" *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold and silver bullion, and the national legal notes of the United States; and shall in no case hold any real estate, goods, wares, merchandize or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debt, loans or contracts, or shall be conveyed or sold in full or part satisfaction of debts previously contracted in the course of dealing, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Name and powers.

Proviso.

2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with liberty to increase it to one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and that the said Albert A. Drake, Francis T. Baker, Francis E. Morse, William T. Peek, John Prentiss, Amos Clark, junior, and E. G. Brown, or a majority of them, shall be and they are hereby appointed commissioners to open books of subscription in the said county of Union, for and receive subscriptions to said capital stock, giving at least twenty days' notice in one of the newspapers printed in said county of Union, of the time and places of receiving said subscriptions; that the said books, after having been opened, shall be kept open for ten successive days, unless the amount of said capital shall be sooner subscribed for; that at the time of subscribing for the said stock, the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before fifty per centum of its capital stock shall be actually paid in cash.

Capital stock.

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the affairs of the corporation shall be managed by a board of nine directors, five of whom

Election of directors.

shall be a quorum for the transaction of business, except in case of discount, which may be regulated by the by-laws; that the said directors shall be stockholders and residents of this State, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation, faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second

Annual election.

Tuesday in May, every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least seven days' notice shall be given by the directors by an advertisement in one or more of the newspapers published in the county of Union; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days at least next preceding such election; that for the well ordering of said election, the board of directors shall previously thereto appoint three stockholders, not being directors, to be judges thereof, who shall conduct said election and determine the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges or a majority of them, shall thereupon select from those not elected having the highest number of votes, as many as may be required to make up the full number of nine directors; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of their number to be president, as well of their board as of the said corporation; and whenever a vacancy shall occur in said board of directors by death, resignation or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election for directors shall, in such case, be held as soon as conveniently may be thereafter, upon like notice as

Vacancy, how filled.

Failure to elect not to be dissolved.

above directed, and at the place and in the mode above specified.

First board of directors.

4. *And be it enacted*, That the incorporators named in the first section of this act shall constitute the first board of directors.

Commissioners to pay over moneys.

5. *And be it enacted*, That as soon as may be after the sum of twenty-five thousand dollars of said capital stock is subscribed and actually paid in cash, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscription to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the president in behalf of said board of directors, for said money, shall be full and absolute acquittance and discharge therefor, and said board of directors shall hold their office until the second Tuesday in May, of the year of organization, and until their successors are chosen and qualified.

Failure to pay instalments to work a forfeiture.

6. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this State are liable to, and the real estate of said corporation may be taxed as other lands in this State are or may be taxed; and that the board of directors, for the time being, shall have full power to call in the residue of the subscriptions to the said capital stock by such instalments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, at least twenty days' previous notice of the time and place for the payment of said instalments shall be given by advertisement in at least two papers published in Union county, and that no instalments of more than five dollars on each share, shall be called in at one time, nor shall said instalments be required to be paid within less than twenty days of each other.

Proviso.

Cashier.

7. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable, however, to be removed and another appointed in his place, at the pleasure of said board of directors; and on such appointment or re-appointment the said cashier shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give

bonds with good and sufficient security, to be approved by the board of directors in the penal sum of at least ten thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

All bills and notes issued binding on the corporation.

8. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner, as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, and his, her and their assignee or assignees, and all bills or notes, bills obligatory or of credit made or issued by said corporation, shall be deemed and taken to be demandable and payble at the banking house of said corporation.

Semi-annual dividends.

9. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rate of discount.

10. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this State established for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale of the bonds, notes and bills of the government of the United States, and the bonds and securities of the State of New Jersey, or of any town, city or county thereof.

Proviso.

No transfer of stock made by persons indebted to corporation.

11. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts are due to the said bank, or who is the drawer or indorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

12. *And be it enacted*, That if at any time the said cor-

poration shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplement thereto, approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act.

Refusal to redeem is to debar banking privileges.

Proviso.

13. *And be it enacted*, That if the said corporation hereafter become insolvent, the whole assets of the said corporation, at the time of its becoming insolvent, shall be first liable for its bills and notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets among the creditors of the said corporation, under the order or decree of the court of chancery, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors, except bona fide judgment or mortgage creditors.

Assets first liable for bills in case of failure.

14. *And be it enacted*, That in case of the insolvency of said corporation the directors thereof shall be jointly and severally liable for all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity by any receiver or receivers that shall or may be appointed for the payment of such bills or notes as if the same were their joint or several bills or notes, and executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and in case any director shall so attempt to resign his office, he shall be and continue liable the same as if such resignation had not been attempted, and such liability of the directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock to avoid his said liability, and in the case of the payment of any such bills or

All the directors liable for circulation.

Shall not resign office to avoid liability.

notes by any of the said directors, the other directors who may be liable shall account in the same way as the other joint debtors are accountable to each other; *provided*, no such suit shall be prosecuted against the said directors by such receiver or receivers, except for such deficiency as may remain after the assets of such corporation have been duly appropriated to the payment of said bills or notes, except in case of fraud committed by said directors.

Proviso.

Distribution of assets.

15. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills or notes; and the stockholders of the said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers, that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than the said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Stockholders liable to receiver for amount sufficient to redeem circulation.

Proviso.

Actions at law.

16. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation, by any receiver or receivers thereof, the said receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Proviso.

Amount of bills issued.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock paid in; and if the president or cashier shall knowingly and wilfully issue, or cause or suffer

to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemanor, and, on conviction thereof, shall be punished by imprisonment not less than one year nor more than five years, in the discretion of the court.

Statements to be made.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday in the months of January, April, July and October, in every year, to make the statements required to be made by the other banks of this State, by the act entitled "An act to punish frauds committed on the incorporated banks of this State, and for the better regulation of said banks," approved April sixteenth, one thousand eight hundred and forty-six.

Majority of stockholders to be residents of this State. Limitation.

19. *And be it enacted*, That a majority in interest of the stockholders shall be residents of this State.

20. *And be it enacted*, That this act shall continue in force for twenty years, but it shall be lawful for the Legislature at any time hereafter to alter, modify or repeal the same, whenever in their opinion to public good shall require it; and that this act shall go into effect immediately.

Approved April 5, 1871.

CHAPTER DIII.

A Supplement to the act entitled "An act to incorporate the Longwood Valley Railroad," approved April third, one thousand eight hundred and sixty-seven.

Time for commencement of railroad extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited by the seventeenth section of the act to which this is a supplement, for the commencement of the construction of said railroad, be and the same is hereby extended three years from the first day of April, one thousand eight hundred and seventy-one.

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

Approved April 5, 1871.

CHAPTER DIV.

A Supplement to an act entitled "An Act to incorporate The New Egypt and Farmingdale Railroad Company," approved March seventeenth, one thousand eight hundred and sixty-nine.

Preamble. WHEREAS, through inadvertence, the State assessment on the act to which this is a supplement, was not paid within the time required by the act entitled "An Act to increase the revenues of the State of New Jersey," by which inadvertence and non-payment of said State assessment the said act became void; AND WHEREAS, it is desirable that said act should be revived; therefore,

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 New Egypt and Farmingdale Railroad Company," approved March seventeenth, one thousand eight hundred and sixty-nine be, and the same is hereby revived, and shall stand in full force and effect the same as if the State assessment required to be paid by the act entitled "An Act to increase the revenues of the State of New Jersey," had been paid within the time prescribed by law;

Proviso. *provided*, that the State assessment on the said original act of incorporation, and on this supplement, be paid before the first day of July next ensuing the passage of this supplement.

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

Approved April 5, 1871.

CHAPTER DV.

An Act to incorporate the People's Horse Railroad Company, of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Scott, Charles W. Meeker, William Murray, Samuel Clark, Archibald K. Brown, George W. Pennington, and such other persons as may be hereafter associated with them, 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 People's Horse Railroad Company of Jersey City," and shall be capable of purchasing, holding and conveying lands, tenements, goods and chattels whatsoever necessary and expedient for the object of their incorporation. Corporators. Corporate name.

2. *And be it enacted*, That the amount of the capital stock of said company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said company shall by their by-laws direct. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City; and at the time of subscribing ten per centum shall be paid on each share subscribed for to the commissioners, and as soon as twenty-five thousand dollars of said capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose seven directors, a majority of whom shall be resident in this State; and such election shall be made at such time and place by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder to one vote; and the said commissioners, or a majority of them, shall be inspectors of said Commissioners to open books and receive subscriptions. Election of directors.

election, and shall certify in writing the names of the persons duly elected, and deliver the same and the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the persons named in the first section, or a majority of them; ahd the directors chosen at such meeting, and those chosen annually thereafter at such time in the month of June as may be fixed by their by-laws, shall, as soon as may be after every election, choose out of their number a president, and in case of his removal, resignation, death, or inability to act, to fill such vacancy; and in case of failure to elect directors at the time the same should be made, the said corporation shall not be dissolved for that reason, but such election may be held at any other time, and the directors for the time being shall hold over until their successors shall have been chosen.

Failure to elect not to be dissolved.

Failure to pay instalments shares to be forfeited.

4. *And be it enacted*, That a majority of said directors shall be a quorum for the transaction of business, and shall have power to call in the capital stock of said company in such manner as they may deem best, and in case of non-payment of any instalment at the time specified, to forfeit the share or shares upon which such default shall arise, with all previous payments thereon, to the use of the company, and to make such by-laws, rules and regulations as to them shall appear needful and proper for the management and regulation of the stock and property of said company, and to appoint such officers and servants as they shall deem necessary, and to fix such salaries thereto as they shall deem proper.

Power to survey, lay out and construct a railroad.

5. *And be it enacted*, That the president and directors be and they are hereby authorized and invested, with all the rights and powers necessary and expedient, to survey, lay out and construct a railroad from some point in Jersey City as far west as Summit avenue and north of the court house; and thence through the most convenient streets to Pavonia ferry, at Jersey City; and said company shall designate their route and file the same in the office of the clerk of the county of Hudson, before the construction of their road to said ferry; and that when said railroad is built it shall be subject to the regulations of the city or township authorities; *provided*, that in constructing said railroad and branches the work shall be done under the inspection of the committee on streets, or other proper officers of said city

Proviso.

or township, and shall not unnecessarily interrupt the public travel during the progress of the work, and shall restore the streets to their former condition without unreasonable delay; *and provided further*, that horse power and no other shall be used in running the cars or carriages; *and provided further*, that said company shall not be authorized to designate any route or lay any tracks in Jersey City east of that portion of Bergen Wood avenue and Summit avenue, which lies north of Beacon avenue. Proviso. Proviso.

6. *And be it enacted*, That the tracks shall be laid flush with the surface of the street, and conform to the grade of the street as it now is or as it shall be from time to time established or altered, and shall keep the surface of the street inside of the rails in good and proper order and repair. Tracks, how laid.

7. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of passengers, freight, and merchandise on said road as the president and board of directors may direct, but the price for each passenger shall not exceed the sum of five cents for one mile or a fraction of a mile, and after that rate for all distance over a mile. Rates of transportation.

8. *And be it enacted*, That the said company may purchase, have, and hold real estate at the termini of their road, and at the intermediate depots on the line of the same, not exceeding one acre at each place, and may erect buildings thereon and improve the same as they may deem expedient, and for the purpose of constructing said road and equipping the same, and the purchase and improving of the property necessary for their business, the said company may issue their bonds to an amount not exceeding one hundred and twenty-five thousand dollars, and secure the same by mortgage on their said property and franchises. May purchase, have and hold real estate. May issue bonds and secure the same by mortgage.

9. *And be it enacted*, That the president and board of directors of said company shall declare and make such dividends as they may deem prudent, from time to time, out of the net profits of said road; and said company may make contracts with and connect with other horse railroads in said city, and they may lease their road to any other company; *provided*, they obtain the consent of all the stockholders of this company, and in like manner may lease their road when constructed, or any part thereof to any other company. May contract with any other railroad company. Proviso.

When company may run cars.

10. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers, enjoying all the privileges and subject to the restrictions created by this act.

Time of commencement and completion.

11. *And be it enacted*, That if said railroad shall not be commenced within three years after the passage of this act, and finished within three years, this act shall be void.

Penalty for injuring property.

12. *And be it enacted*, That if any person shall wilfully injure, impair, destroy, or obstruct the use of said railroad, or any of the necessary works, carriages, or property before mentioned, 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.

Annual statements to be made.

13. *And be it enacted*, That on the first day of January next, after the railroad 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 cost of said road including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of state, and annually thereafter the said company shall pay to

State tax.

the treasurer of this State a tax of one-half of one per centum on the cost of the construction of said road, and the said company shall also pay to the mayor and common council of Jersey City, or the proper person to receive the same,

Other taxes.

all city taxes which shall, from time to time, be levied upon any real or personal estate that may be purchased and held by them in said city, in the same manner and to the same extent as individuals owning property in said city, and with the same rights of appeal and review, and the amount of city taxes so paid shall be deducted from the amount of one-half of one per centum on the cost of their road directed to be paid to the State treasurer yearly.

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

Approved April 5, 1871.

CHAPTER DVI.

An Act incorporating the Passaic Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Howe, Robert Foulds, Abel Horton, C. Albert Gage, Herman Schulting and John A. McKean, and their associates and successors, be and they are hereby constituted and declared to be a body corporate and politic in fact and in law by the name of "The Passaic Fire Insurance Company," to be located in the village of Passaic, in the State of New Jersey, and by that name they and their successors shall and may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of justice; and they and their successors may have a common seal, and may alter and renew the same at pleasure. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each. Capital stock.

3. *And be it enacted*, That the corporators, or a majority of them, named in the first section of this act, shall be commissioners to open the books for subscriptions to the capital stock of said company, and they shall give ten days' previous notice in at least one newspaper printed and published in the village of Passaic, of the time and place of the opening of said books, which books shall be kept open during the pleasure of said commissioners, or a majority of them. Corporators to open books and receive subscriptions.

4. *And be it enacted*, That when one hundred thousand dollars of the said capital stock shall have been subscribed, and fifty thousand dollars paid in, the subscribers to said capital stock, upon ten days' previous notice in a newspaper published in the village of Passaic, given by said commissioners, shall proceed to the election of a board of directors, composed of nine persons, a majority of whom shall be residents in this State, and all of whom at the time of their election and during their continuance in office, shall Election of directors.

be stockholders in the said company in their own right; and thereupon said company may commence operations as authorized by this act; and the stock, property, concerns and affairs of said company shall be managed by the said board of directors and their successors.

Directors to divide into classes.

5. *And be it enacted*, That the directors first chosen shall divide themselves into three classes of three members each, one class of whom shall serve as directors for one year, one class for two years, and one class for three years, severally computed from the second Monday in January, one thousand eight hundred and seventy-two; on the second Monday in Janary in each and every year thereafter, at such hour of the day and at such place in the village of Passaic as the board of directors for the time being shall appoint and designate, by ten days' previous notice in a newspaper published in said village, three directors of said company shall be elected by ballot and by a plurality of the votes of the stockholders, each stockholder being entitled to one vote for each share of stock standing in his or her own name on the books of the company.

May make by-laws, &c.

6. *And be it enacted*, That a majority of the said board of directors shall be a quorum for the transaction of business; and said board shall have power to make and prescribe such by-laws, rules and regulations, as to them shall seem proper for the management and disposition of the property, estate and affairs of the said corporation, and for all such matters as pertain to the business thereof; the said board shall elect one of their number to be president of said company, who shall hold office until the next annual meeting, and until his successor shall be chosen; the said board shall also have power to appoint a secretary, a treasurer, and such other officers, clerks and agents as to said board it may seem advisable for carrying on the business and affairs of the said company, and shall have power to fix the compensation of any and all officers so elected or appointed; any vacancy in the office of president or director may be filled for the unexpired term by a majority of the directors, at a meeting to be called as the by-laws may provide, and in the absence of the president, a president pro tempore may be appointed by the directors.

President and other officers.

Vacancy, how filled.

Stock, how transferred.

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

transferred on the books of the company, according to such rules as the directors may prescribe.

May insure against loss by fire.

8. *And be it enacted*, That it shall and may be lawful for the said company to make insurance on dwelling houses, stores, mills and all kinds of buildings, and upon household furniture and personal property of all kinds, against loss or damage by fire, and also against loss or damage by all or any of the risks of lake, river, canal and inland navigation and transportation, and to effect re-insurance of such risks, when deemed advisable, and may also insure steam boilers against loss by explosion; all such insurance shall be upon such rates and conditions as shall be contained and stated in the policy of insurance; all policies of insurance or contracts founded thereon shall be subscribed by the president or president pro tempore, or by such other officer as may be designated for that purpose by the by-laws of said company, and shall be attested by the secretary, and when so subscribed and attested, the said policies shall be binding upon the said company in the like manner as if under the seal of the said company; and there shall be distinctly and legibly written or printed upon the face of every policy of insurance made by the said company, the amount of its capital actually paid in; all such policies and contracts may be made, subscribed, attested and executed, and the business of said company may be conducted and carried on by a committee, if so directed, without the presence of the board of directors, and the same, in such case, shall be equally binding and obligatory upon the said company.

All policies or contracts binding on company.

May invest capital or funds in public stocks, &c.

9. *And be it enacted*, That it shall be lawful for the said company to invest its capital, or funds accumulated in the course of its business, or any part thereof, in the purchase of or loans upon bonds and mortgages on unincumbered real estate within the State of New Jersey, worth double the amount of money loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company, and also in the stocks and bonds of this State, or the stocks and bonds of the United States, and also in the bonds of any county or incorporated city or village in this State authorized to be issued by the Legislature, and to change and re-invest the same as occasion may from time to time require.

May purchase and hold real estate.

10. *And be it enacted*, That it shall be lawful for the said company to purchase and hold such and so much real estate as shall or may be necessary for its convenient accommoda-

tion or the transaction of its business, or such as shall have been mortgaged to it in good faith, or to secure the payment of any debts previously contracted with the said company, and to redeem the moneys so pledged or secured, either at law or in equity; and also to purchase, on sales made under judgment at law, or done in equity, or any other legal proceedings, or otherwise; and also to receive and take any real estate in payment or towards the satisfaction of any debts previously contracted with and due to the said company; all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of the company in the transaction of its business, shall be held and enjoyed by the said company until it can be conveniently sold or converted into money or other personal estate.

Dividends.

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

Insured may participate in profits.

12 *And be it enacted*, That the holders of policies of insurance issued by said company may at any time, by the vote of the holders of two-thirds of the capital stock of said company, be admitted to share in the profits of the said company in such manner and to such extent as may be provided by the board of directors.

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

Approved April 5, 1871.

CHAPTER DVII.

An Act to incorporate the Dime Savings Bank, of the village of Woodbridge.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Berry, Jotham Coddington, Isaac Inslee, junior, Samuel E. Ensign, David Ayres, Charles M. Dally, Hampton Cutter, James Valentine, Samuel Dally, Warren Brown, Charles A. Campbell, Josiah

C. Cutter, Albert D, Brown, J. D. Drake, J. Mattison Melick, Joseph Lockwood, George C. Hance, Alexander Brown, David A. Flood, Daniel C. Turner, C. W. Boynton, Alexander A. Edgar, Joel Melick, junior, William P. Edgar, Lewis C. Potter, George G. Hancock, Ellis Drake, William H. Cutter, James P. Edgar, Charles Newton, Isaac Flood, Thomas J. Dally, Warren Drummond, James E. Berry, George W. Ruddy and their successors shall be, and are hereby constituted a body corporate and politic, by the name of "The Dime Savings Bank," of the villiage of Woodbridge, and by that name shall be capable of purchasing, taking, holding and enjoying any real or personal estate of any kind or description whatsoever, and in fee simple or otherwise, and of selling, conveying, leasing or otherwise disposing of the same, or any part or parts, at their will and pleasure; *provided always*, that no purchase or sale of real estate shall be made without the consent of a majority of all the managers. Name. Powers. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by thirteen managers, elected by ballot from the number of the above named incorporators, seven of whom shall be a quorum to transact business, and at least seven shall be residents of the village of Woodbridge, and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the board; the managers shall meet annually on the second Tuesday in April, and choose one of their number president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year, or until others are appointed; and all officers so chosen and appointed shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful performance of the duties of their office, in such sum or sums, and such securities, as may be directed by the board of managers. Managers. Annual meeting.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of the May make by-laws, &c.

officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State and of the United States of America; and such by-laws shall be put up in some public and conspicuous place in the room where the business of said institution shall be conducted, and shall not be altered so as to effect injuriously any one who may have been a depositor previous to the alteration.

Proviso.

May receive deposits.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms as the by-laws shall prescribe; which shall be invested accordingly, and shall be repaid to the depositors at such times, and with such interest, and under such regulations, as the board of managers shall, from time to time, prescribe; and the said institution may accept and execute all such trusts of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by the order of any court.

May accept and execute all trusts.

Regulation of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to depositors, so that they shall receive a ratable proportion of the profits after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited, shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Proviso.

No compensation to managers.

6. *And be it enacted*, That no emolument whatever shall, directly or indirectly, be received by the managers, or either of them, for their services, except the president, secretary and treasurer, and the committee on examination of property offered as security for loans, who shall receive such compensation as may, from time to time, be established by the majority of the whole number of the managers of said institution; nor shall the said institution issue any notes or bills, nor shall any officer of the institution be allowed, directly or indirectly, to borrow any money from said institution, or to use the same, except to pay necessary expenses, nor shall the institution take or hold any funds, mortgages

or other securities for the payment of money drawn or indorsed by, or existing against, any officer of the institution as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Money, how invested.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks or bonds other than such as are created under the laws of the United States, or of the several States, or by the several counties and cities in this State, or by the cities of New York and Brooklyn, in the State of New York, authorized by the laws of the said States respectively, nor upon bond and mortgage, except on unincumbered real estate, worth at least double the amount invested; *provided*, said institution may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned, but the amount thus loaned on personal security shall not, at any time, exceed twenty per centum of the whole amount of assets and securities of said corporation.

Proviso.

Certificates of deposit.

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

Minors may give acquittance for deposits.

9. *And be it enacted*, That it shall be lawful for the managers of the said institution, at their discretion, to pay to any depositor being a minor, such a sum or sums as may be due to such depositor, not exceeding one thousand dollars, in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided* such deposit shall have been made personally by such minor, and not by any other person for his or her benefit.

Proviso.

Deposits by females not to be controlled by husband.

10. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female as though she were single, not subject to the control nor liable for the debts of the husband, and to repay the same and the interest and dividends, or any part thereof,

upon her check, order, or receipt or demand, without the concurrence of her husband; and such payments shall exonerate and discharge the said corporation from any further liability by reason thereof.

Depositor may appoint person to receive moneys.

11. *And be it enacted*, That a book shall be kept at the office of the institution in which any depositor shall be at liberty to appoint any person or persons to whom, in the case of his or her death, the money shall be paid, if not otherwise disposed of by will; and all payments made to the person or persons so appointed, shall be a full discharge of the claims against said institution.

Interest not allowed on less than one dollar.

12. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than ten cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow any interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional part of a month; and that no interest or dividends, on account of any surplus or contingent fund, shall be allowed for moneys which have been withdrawn from deposit.

All deposits to be entered.

13. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Managers may refuse deposits.

14. *And be it enacted*, That the managers shall be at liberty at any time to refuse deposits, and on giving one months' notice to return such as have been made, with interest thereon calculated to that time and no longer.

Annual statement.

15. *And be it enacted*, That it shall be the duty of said corporation to make an annual report to the Legislature of this State, under the oath or affirmation of the treasurer and a committee of three or more of their number, of the state of its funds, which statement shall be published in one or more of the newspapers published in Middlesex county, or in such newspapers as may hereafter be published in the village of Woodbridge.

Vacancy, how filled.

16. *And be it enacted*, That the managers shall have power to fill by ballot any vacancy which may occur in their own body, or officers, at the first regular meeting after such vacancies shall occur, by a vote of a majority of the managers.

17. *And be it enacted*, That the office or place of business

of the said institution shall be in the village of Woodbridge, and the books of the said institution shall be opened at all times to the inspection and examination of such person or persons as the Legislature may, from time to time, appoint for that purpose. Office, where located.

18. *And be it enacted*, That this act shall be and hereby is declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein included, and that no misnomer of the said institution in any deed, grant, devise or other instrument of contract or conveyance shall vitiate or destroy the same; *provided*, the institution shall be sufficiently described so as to ascertain the intention of the parties; *and, provided also*, that the Legislature may, at any time hereafter, amend, modify or repeal this act. Act, how construed. Proviso. Proviso.

19. *And be it enacted*, That this act shall continue in force until repealed, and shall take effect immediately.

Approved April 5, 1871.

CHAPTER DVIII.

An Act entitled an act to incorporate the Citizens' Savings Bank of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edo Kipp, George Place, J. M. Howe, H. G. Herrick, F. B. Stewart, J. A. McKean, W. S. Anderson, James Waterhouse, Herman Schulting, Robert Foulds, Abel Herton, be and are hereby constituted a body corporate and politic by the name of the "Citizens' Savings Bank of Passaic," to be located in the village of Passaic, 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, Corporators. Name. Powers. Proviso.

exclusive of the profits that may arise from any investment in which the deposits may be made, shall not exceed one hundred thousand dollars.

Managers.

2. *And be it enacted*, That the said institution shall be conducted by thirteen managers, elected by ballot, from among the number of the above named incorporators, four of whom shall be a quorum to transact business, and at least three shall be residents of the village of Passaic, and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the board; the managers shall meet annually on the second Monday in April. and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office for one year or until others are chosen, and all officers so chosen, shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security if required, for the faithful execution of the duties of their office, in such sum or sums and such securities as may be directed by the board of managers.

Annual meeting.

May make by-laws, &c.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meetings of officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State and of the United States of America; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration.

Proviso,

May receive deposits.

4. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors at such times and with such interest, and under such regulations as the board of managers shall, from

time to time, prescribe; and the said institution may accept and execute all such trusts of every description as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

Regulation of interest.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses, and a reasonable contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors, having over one thousand dollars deposited, shall be at least at the rate of one per centum per annum less than the interest allowed to other depositors.

Proviso.

No officer shall borrow money.

6. *And be it enacted*, That no emoluments whatever shall, directly or indirectly, be received by the managers, or either of them, for their services, except the president, secretary and treasurer, and the committee of examination of property offered as security for loans, who shall receive such compensation as may from time to time be established by a majority of the whole number of managers of said corporation; nor shall any officer or agent of the institution take or hold any bonds, mortgages or other securities for the money drawn or endorsed by or existing against any officer or agent of the institution as security for money loaned by it, unless the same shall have been received in payment of debts due from other parties.

Investment of deposits.

7. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other stocks or bonds than such as are created and issued by the United States, and by the several States and by the several counties and cities in this State, under the laws thereof, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities with pledges of collateral securities worth at least twenty per centum more than the amount loaned, but the amount thus loaned on personal security shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

Certificates of deposits.

8. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of the

institution shall be as binding as if the same were made under their common seal.

Minors may give acquittance for deposits.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor being a minor such sum as may be due to such depositor, not exceeding one thousand dollars in cases where no guardian shall have been appointed for such depositor, and that the receipt and acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit; married women may deposit money in their own names, and receive their interest and dividends thereon, and receive and withdraw the same; and such deposits shall not be subject to the control of the husband, nor liable for his debts; nor shall money deposited by single women be subject, in case of marriage, to the use or control nor liable for the debts of the future husband.

Proviso.

Disposition of deposits in case of death.

10. *And be it enacted*, That a book shall be kept at the office of the institution, in which any depositor shall be at liberty to appoint a person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed shall be a full discharge of said institution.

Interest not allowed on less than one dollar.

11. *And be it enacted*, That the institution shall not be required to allow interest on a deposit until it amounts to one dollar, nor to allow interest on the fractional part of one dollar; nor shall the institution be required to allow interest on the fractional parts of months.

All deposits to be entered.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual statements.

13. *And be it enacted*, That it shall be the duty of the said institution to make annual report to the Legislature of this State, under the oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, of three or more of their number, of the state of its funds, and such statement shall be published in one or more newspapers published in the village of Passaic.

14. *And be it enacted*, That the managers shall have

power to fill up, by ballot, at a regular meeting, after the notice of one month, any vacancy which may occur in their own body or officers, by a vote of a majority of the managers present. Vacancy, how filled.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the village of Passaic, and the books of the institution shall be open at all times to the inspection and examination of such person or persons as the Legislature may from time to time appoint for that purpose. Office, where located.

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*, that the Legislature may at any time hereafter amend or modify this act. Act, how construed. Proviso.

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

Approved April 5, 1871.

CHAPTER DIX.

An Act to incorporate the Union Gas Light Company.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That A. D. Hope, Joshua Doughty, William J. Taylor John R. Emory, A. D. Cook, James C. Bolton, Culver Barcalow, and any person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Union Gas Light Company," and by the said name the said corporation shall have corporate power in all courts, and power and authority to manufacture, make and sell gas for the purpose of lighting streets, buildings, manufactories and other places in the townships of Westfield and Corporators. Name. Powers.

Plainfield, in the county of Union; Piscataway, in the county of Middlesex; Bridgewater and Warren and Branchburg, in the county of Somerset; Readington, Clinton and Lebanon, in the county of Hunterdon; execute all contracts, agreements or covenants in relation to the objects of this corporation and to enforce the same, and be capable of purchasing, taking, holding and disposing of such property, real and personal, as is necessary to give effect to the purposes of this corporation, and for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, and dispose of for the purpose of securing debts which have become due to them in the course of the business of the said corporation.

Empowered to lay down pipes, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues or public grounds in the townships aforesaid, and to do all things necessary to light the same, and the dwellings, stores, buildings and other places situated therein; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of said pipes or the erection of said posts, and the streets, side and crosswalks, public grounds, lanes, avenues and squares shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or erection of said posts.

Proviso.

Commissioners to open books and receive subscriptions.

Capital stock.

3. *And be it enacted*, That A. D. Hope, William J. Taylor, Joshua Doughty and James C. Bolton, are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of fifty dollars each, and the said commissioners, or a majority of them, shall open books for that purpose, at such time, and in such place or places within the counties of Union and Middlesex, as they shall designate by a public advertisement, to be previously inserted for at least one week, in a public newspaper printed in one of the townships aforesaid, and shall continue the same open until the said fifty thousand dollars shall be subscribed, or at their discretion close the same after they shall have remained open two days, and again open the same, at the same place, or at some other time or times, place or places, to which they may adjourn; and the sum of ten per centum upon each share so subscribed shall be paid by each subscriber, at the time of subscription, to

the said commissioners, or a majority of them; and as soon as the said fifty thousand dollars shall have been subscribed, 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 elected as hereinafter directed, and all the powers of said commissioners shall then cease and determine; and the said board of directors when so elected, shall have power, and they hereby are authorized to open the books for subscription of stock hereinafter provided, until the whole amount of said stock is subscribed, and are also authorized to call upon said subscribers for payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures of instalment or instalments already paid in, as they may deem expedient, until the whole amount due on 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 to be paid by any subscriber without public notice of said instalment being due and payable, to be previously inserted for twenty days in a public newspaper printed in one of said townships. Proviso.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in nine directors, to be chosen from the stockholders, and the said directors shall choose, by a plurality of votes, a president from among themselves; and when fifty thousand dollars of said capital stock shall have been subscribed, as aforesaid, the beforenamed commissioners, or a majority of them, shall convene the said stockholders by public notice to be given, as just aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in January, next succeeding, and until others are chosen in their stead; and on the second Monday of January, in each year, at such time and place as a majority of the directors may appoint, the said stockholders shall meet for the purpose of electing a board of directors for the ensuing year; and public notice shall be given of the time and place of holding such election by advertisement for ten days in a newspaper published in one of the townships aforesaid, and any vacancy in the board of directors may be supplied by the board until the next election, and all elections shall be by ballot of the Election of directors. Vacancy, how filled.

stockholders, or their proxies, allowing one vote for each share of stock held upon the books of the company; and if at any time an election is not held on the day appointed, the corporation shall not be thereby dissolved, but an election shall be held in such manner as is directed by the by-laws at any time within one year, and the old directors shall hold over until new ones are appointed.

May make by-laws, &c.

5. *And be it enacted*, That the directors for the time being shall form a board, and they or a majority of them shall be a quorum for transacting business, and have power to make by-laws, rules and regulations, not repugnant to the constitution or laws of the United States, or of this State, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock, and the property thereof; and the duty of the officers, clerks and persons employed therein, the election of directors, and all other matters appertaining to their business or concerns; and may appoint as many officers, clerks and servants, and with such compensation as shall to them seem necessary; and the said board of directors shall have power to make and declare, from the profits and earnings of the company, such dividend and dividends from time to time. and payable in such manner as to them may seem expedient.

Capital stock may be increased

6. *And be it enacted*, That the capital stock of said corporation may be increased, upon the consent of the stockholders representing a majority of the stock, to any amount not exceeding five hundred thousand dollars; and all the stock of said corporation shall be transferable, according to the by-laws and regulations of the company, and shall be considered personal property.

Penalty for injuring works, &c

7. *And be it enacted*, That said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, roads, avenues or public grounds of any of the townships hereinbefore mentioned, and those adjacent thereto; and if any person shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduct pipe, cock, metre, machine or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding three hundred dollars, and imprisonment

at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages, by a civil suit by the said corporation for any such injury as aforesaid. Proviso.

8. *And be it enacted*, That the said company shall have power to borrow money, not exceeding two-thirds of their capital stock in amount, and to secure the same by bond or bonds, or other evidence of debt, bearing an interest not exceeding seven per centum per annum, and mortgage upon their property, charter, franchises and privileges, and by such other assurance or assurances as they may deem expedient, and it shall not be lawful for said company to charge for gas an amount exceeding four dollars per thousand feet. May borrow money. Charge for gas limited.

9. *And be it enacted*, That this act shall not apply to nor have effect in any city, village or township, unless the works shall have been completed to such an extent as to generally accommodate the public where said gas works are proposed to be located within the term of five years. When act to have effect.

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

Approved April 5, 1871.

CHAPTER DX.

An Act to incorporate Lawrence Lodge, number sixty-two, of the Independent Order of Odd Fellows, of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Coddington, Joshua B. Ford, Enoch Wood, William A. Slaght, Isaac D. Ward, Garry Jacobie, Thomas B. Liddle, George H. Pice and John Adair, and their associates, officers and members of Lawrence Lodge, number sixty-two, of the Independent Order of Odd Fellows, of the city of Perth Amboy, in the State of New Jersey, be and they are hereby constituted and declared to be a body corporate and politic in law, by Corporators.

Corporate name and powers.

the name, style and title of "Lawrence Lodge, number sixty-two, of the Independent Order of Odd Fellows, of the State of New Jersey," and by that name they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements and hereditaments and personal estate purchased, devised or bequeathed by any person or persons, body corporate or politic capable of making the same, and also to have a common seal, and the same to use at pleasure; *provided always*, that the said corporation or body politic shall not at any time hold or possess property, real or personal, exceeding in value the sum of ten thousand dollars.

Proviso.

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

Approved April 5, 1871.

CHAPTER DXI.

A Supplement to the act entitled "An Act to incorporate The Mechanics' and Laborers' Savings Bank, of Jersey City," approved March third, one thousand eight hundred and sixty-nine.

May increase number of managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said The Mechanic's and Laborers' Savings Bank are hereby authorized to increase the number of managers of said institution to such number as the said corporation may direct.

Amendment.

2. *And be it enacted*, That the third section of the act to which this is a supplement, be and the same is hereby amended so that instead of the words "June and December" occurring therein, the same shall hereafter read "May and November."

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 5, 1871.

CHAPTER DXII.

An Act for the relief of Peter Schomp, of the township of Readington, and Thomas Bowlby, of the township of Bethlehem, in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State to Peter Schomp and Thomas Bowlby, of Hunterdon county, soldiers during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars each per annum thereafter, to be paid to them quarterly during their lifetime. Pension.

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

Approved April 5, 1871.

CHAPTER DXIII.

An Act to incorporate the Whitney Sewing Machine Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward L. Snow, Jedediah B. Ferry, James H. Whitney, William A. Barker and Justin Snow, and the survivors of them, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate, in fact and in law, by and under the name of "The Whitney Sewing Machine Company," for the purpose and with the authority of carrying on in the county of Passaic, in this State, the business of the manufacture and sale of the Whitney and other sewing machines, and all other articles and things necessary and Corporators. Corporate name and powers.

proper to be used in the business authorized by this act; and by the said name shall have continued succession, and be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary and proper for the purposes of the corporation hereby created; and the principal office of said company shall be at Paterson, in the county of Passaic, aforesaid.

Capital stock.

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

Election of directors.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than three nor more than five directors, being stockholders, one of whom shall be president, to be appointed by said directors, who after the first directors hereinafter named shall hold their offices for one year, and until others shall be elected in their stead; the number of directors may be fixed from time to time by the stockholders, at their annual meeting; and the directors shall be chosen annually, on the first Monday of June, or on such other day, and at such place in the county of Passaic, as the directors shall by their by-laws or otherwise appoint, public notice for at least ten days previous of such time and [place] being given in one entitled, either in person or by proxy, to as many votes as he shall hold shares of the capital stock; and the persons of the newspapers published in the city of Paterson, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be

having the greatest number of votes, being stockholders, shall be directors; and the directors may appoint a secretary and a treasurer, and such officers, superintendents and agents, and assign such compensation as a majority of said directors shall think fit; and if any vacancy by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them, and the said Edward L. Snow, Jedediah B. Ferry, James H. Whitney, William A. Barker and Justin Snow, shall be the first directors of said company, and shall serve as such until the first Monday of June next, and until others are legally chosen.

Vacancy, how filled.

First directors.

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

Failure to pay instalments to work a forfeiture

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

Failure to elect directors not to be dissolved.

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

May make by-laws, &c.

Proviso.

7. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer

Stock, how transferable.

of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose; and no dividends shall be declared, except out of the net profits of the company.

How dissolved.

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

Proviso.

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

Approved April 5, 1871.

CAHPTER DXIV.

An Act to incorporate the Phillipsburg Hall Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Dumont, Edward H. Bird, Charles Sitgreaves, Lewis M. Teel, Jacob Seigle, Samuel J. Shimer, James M. Andrews, Valentine Mutchler,

John C. Bennet and Benjamin I. Harris, and such other persons as may be hereafter associated with them be, and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Phillipsburg Hall Association," and by that name they and their successors shall have perpetual succession, and shall be capable of leasing, purchasing and holding real estate in the town of Phillipsburg, in the county of Warren, and to erect thereon a hall and other improvements for the use of societies, public meetings, lectures, concerts and such other purposes as said association shall deem expedient, subject to the by-laws and regulations of said association, and it shall be lawful for said association to use and lease such parts of the hall or buildings to be erected by them, as shall not be necessary for the uses and purposes aforesaid, 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; *provided*, such real estate shall not exceed two acres.

Corporate name and powers.

Proviso.

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

Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places as they or a majority of them may deem proper, and at the time of subscribing for said stock such per centage shall be paid upon each share to the commissioners or some of them, as a majority of them shall deem proper, and as soon as ten thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to elect nine directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this State; and such elections may be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and said commissioners, or any three of them, shall be inspectors of the first election of said corporation, and shall certify

Commissioners to open books and receive subscriptions.

Election of directors.

under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the persons named in the first section of this act, or a majority of them, and the directors chosen at such first election, and at the annual elections thereafter, shall choose out of their own number a president, who shall be a resident of the town of Phillipsburg, and in case of death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year 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, shall appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Vacancies, how filled.

Directors to call in instalments.

4. *And be it enacted*, That a majority of the directors shall be competent to transact all business of said corporation, to call in the remaining stock of said incorporation by instalments, at such times as they may direct, by giving thirty days' previous notice in a newspaper published in the county of Warren; *provided*, that no instalment shall exceed ten dollars on each share, and that no two instalments shall be required to be paid within thirty days of each other; and shall have power to forfeit, in case of non-payment of said instalments, the share or shares upon which said default shall arise, and may and shall by its board of directors, be capable of receiving and holding any devise, bequest or donation which may be made to it, and may borrow money on mortgage of the property of the association, to an amount not exceeding the capital stock actually paid in.

Proviso.

May make by-laws, &c.

5. *And be it enacted*, That the said board of directors shall have power to make such by-laws, rules and regulations not inconsistent with the laws of the United States, or of this State, as may be deemed necessary for the management of its affairs, and the same to change or alter from time to time.

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

Approved April 5, 1871.

CHAPTER DXV.

An Act to incorporate the New Jersey Real Estate Loan Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Cornelison, John Van Vorst, Robert C. Bacot, William H. Wood, William W. Shippen, Samuel R. Syms, Samuel B. Dod, William B. Ogden, Bennington F. Randolph, Andrew Clerk, Stephen D. Harrison, John H. Bonn, Charles F. Tag, Leonard J. Stiastny, Moritz Meyer, Gerhard Janssen, Charles Rubsamen, Francis O. Matthiessen, Michael Lienau and Jacob H. Schiff, and their successors, and such others as shall hereafter become stockholders in said corporation, shall be and they and their successors are hereby made and declared to be a body corporate and politic, in fact and in law, by the name of the "New Jersey Real Estate Loan Company," and as such shall continue for the term of twenty years, for the purposes hereinafter mentioned. Corporators. Name.

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

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places, and to be apportioned and paid in at such times, in such manner, and in such instalments as they, or a majority of them, may think proper; and in case of failure by any stockholder, after having received thirty days' notice, to pay his or her instalment or instalments at the time and place mentioned and appointed for the payment thereof, such stockholders, if it shall so be declared by the directors, shall incur a forfeiture of his or her shares, and all previous payments, to the use of said company. Commissioners to open books and receive subscriptions.

First board of directors.

4. *And be it enacted*, That the persons named in the first section of this act shall be and hereby are appointed the first board of directors, to serve until the fourth Saturday in May next, and until others shall be elected in their stead; and that the board of directors shall consist of such number as may, from time to time, be prescribed by the by-laws of the company.

Election of directors.

5. *And be it enacted*, That there shall be an election of directors on the fourth Saturday of May next, and on the fourth Saturday of May of each year thereafter, at such hour of said day, and such place, and upon such notice as shall be ordained by the by-laws or otherwise appointed by the directors of said company; and that at such election every share of stock shall entitle the holder thereof to one vote, which may be given in person or by proxy; and the board of directors may appoint the judge of such elections; but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent annual election, the said company shall not, for that cause, be deemed to be dissolved, and such election shall be held at such other time and place as the directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president, a treasurer, and a secretary of said company, to serve until the then next annual election, and until others shall be appointed in their stead; that the said president shall preside at all meetings of the board, and in case of his absence, any other of the directors present may be chosen president pro tempore, who shall have such power as the by-laws of the corporation shall prescribe.

Failure to elect not to be dissolved.

May make by-laws, &c.

6. *And be it enacted*, That the board of directors, or a majority of them, shall, except as hereinafter provided otherwise, exercise all the powers and conduct and transact all the business of the company, and shall have power to make, prescribe, and to alter such by-laws, rules and regulations concerning the business, stock, property, estate and effects of said corporation, and all other by-laws of the company, as to them shall appear needful and proper, and not contrary to the laws or constitution of this State or of the United States; and shall have power to appoint such officers,

clerks and servants as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper, and to take such bonds from such of the officers, to secure the faithful performance of duty, as they shall think proper.

Investment of one-half of capital stock.

7. *And be it enacted*, That one-half of the capital stock of the company shall, during the whole existence of the company, be invested in bonds of the State of New Jersey, or in case they cannot conveniently be had, in bonds of the State of New York or of the United States, or such other safe and readily convertible bonds as the trustees of the company, hereinafter mentioned, may from time to time direct or approve of.

May make loans.

8. *And be it enacted*, That the remaining half of the capital, with the exception of such sum or sums of money as may be found necessary or expedient for purchasing a site and for erecting and furnishing thereon a building for the use of the company, and all other sums of money realized on the bonds to be issued by said company, or otherwise received by the company in the course of its business, which shall not be required for the payment of the expenses, losses or profits, or of the bonds of the company hereinafter mentioned, may and shall be loaned from time to time, exclusively on bond and mortgage on real estate situated in New Jersey only; and the said company is hereby authorized to make the loans aforesaid, and to charge for the use of any sum or sums of money so loaned such rate of interest, not exceeding seven per centum per annum, as may, from time to time, be agreed upon between the borrower and said company; and the said company is hereby further authorized to purchase bonds and mortgages on real estate in this State only, at such price or discount as may be agreed upon between the seller and this company; and said company is further authorized and empowered to purchase and hold real estate sold under foreclosure or any other lawful sale held by virtue of any mortgage or mortgages owned by them, and thereafter to sell and convey the same; *provided, however*, that the property so acquired by them shall be offered for sale at public auction, at least once every three months, and shall be sold by the company whenever the price offered for it equals the claim of the company, including all interests, costs and other expenses.

May purchase and sell real estate, &c.

Proviso.

9. *And be it enacted*, That the said "The New Jersey Real Estate Loan Company," by and with the consent and

May issue bonds and secure the same by bond and mortgage.

approval of the trustees hereinafter mentioned, be and the same are hereby authorized to issue their bonds, bearing an interest not exceeding seven per centum per annum, and to sell and dispose of the same to any person or corporation, at any rate not less than ninety per centum of their value, without the same being invalidated thereby, or any person or corporation being liable to any penalty therefor; and to secure the payment of such bonds the said company shall have power to convey or pledge, by way of mortgage, trust or otherwise, the whole or any part of its mortgages and property, both real and personal, and such conveyance, pledge, or any foreclosure sale or other lawful sale by virtue thereof, shall fully and completely transfer to and vest in the grantee or purchaser all the property of said company so conveyed or pledged; *provided, however*, that in no case shall the amount of bonds issued by the comyany exceed the amount of the mortgages held and pledged by them in the ways aforesaid, irrespective of all other property of the company.

Proviso.

Preamble.

AND WHEREAS, one of the main objects of the incorporation of this company and of investing it with the powers herein contained, is to induce foreign capitalists to purchase the bonds given by this company, to the end that the proceeds of such bonds may be invested in this State on bond and mortgages by and to this company, and it is of the first importance to provide for the security of those who shall loan money to this company; therefore,

Appointment and duties of trustees.

10. *And be it enacted*, That the corporators of this company shall appoint three discreet and disinterested persons to be trustees, whose duties shall be such as are hereinafter set forth: that such trustees shall hold office during good behavior, or until they shall resign or cease to perform their duties; and such trustees shall, as soon as may be convenient after their appointment, take an oath before some justice of the supreme court of this State, to faithfully discharge their duties as such trustees, and each trustee shall, at the time and place of taking such oath, name, in writing, under his hand, three discreet and disinterested persons, and said persons so named shall, in the order in which they are named in said writing, succeed to the office of said trustee so naming them, and so often as such person so named shall, before succeeding, die, or from any reason become unable or unwilling to act as trustees, the trustee aforesaid may,

from time to time, in the presence of any justice of the supreme court of this State, name, in writing, another person or persons in the place, instead of the one so dying or becoming unwilling or unable to act; each trustee who shall succeed shall have all the powers and perform all the duties of the first set of trustees; that it shall be the duty of said trustees to accept all mortgages made by the company to secure the bonds issued by the company, and to hold in their custody all securities which may be assigned to them by such mortgages to secure such bonds issued by the company, and on non-payment of principal or interest secured by said bonds issued by the company, to proceed to enforce the payment of the same at law or in equity; such securities as are assigned to said trustees to secure the bonds issued by the company shall not be cancelled, surrendered or released except upon the request, in writing, of said trustees, but it shall be their duty to permit said company to receive the money paid in on such cancellation, surrender or release, and immediately, at the time of making such request, to procure to be assigned to them from said company securities of equal value to those which they shall request to be cancelled, surrendered or released; which last mentioned securities, so procured as last aforesaid, shall secure, in manner aforesaid, the payment of the same bonds issued by the company which were secured by the securities so as aforesaid cancelled, surrendered or released; that the request of said trustees to cancel, surrender or release such securities shall extinguish all claim of said trustees to such securities, in the same manner as if they had assigned the same to the parties bound thereby, or in case they are surrendered to the company, in the same manner as if they had reassigned the same to the said company; and said trustees shall inform themselves as to the condition of the affairs of said company, so as to enable them intelligently to consent and approve of the issue of the bonds of said company; that such trustees shall receive such reasonable compensation for their services as the board of directors of said company shall, with the consent of said trustees, fix and allow.

Compensation.

11. *And be it enacted*, That the clerks of the several counties of the State, shall not put on record any assignment of any mortgage held by said trustees, or cancel any mortgage or mortgages assigned to said trustees, or record any release of mortgaged premises described in a mortgage held

Clerks of counties not to record assignments of mortgage, except upon written request of Trustees.

by said trustees, or put on record any satisfaction piece, except upon a written request of such trustees, acknowledged or approved in the same manner as conveyances of land may be acknowledged or proven, for which purposes the officers of the company are hereby required to send to the clerks of the different counties of the State a statement under oath, giving the names of the trustees, accompanied by the signatures of said trustees and an impression of their common seal, if they have any, as they may.

Board of examination.

12. *And be it enacted*, That the commissioners of the sinking fund of the State are hereby appointed a board of examination for said company, and are required and directed to examine into all the affairs of the company, at least twice in every year, and report the condition of such affairs to the governor of the State; for which services the company shall pay to each of said commissioners the sum of two hundred and fifty dollars per year.

Compensation.

Repealer.

13. *And be it enacted*, That all acts, and parts of acts, inconsistent with the provisions of, and so far as they relate to the exercise of the powers granted by this act, be and the same hereby are repealed.

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

Approved April 5, 1871.

CHAPTER DXVI.

A Supplement to the act entitled "An act to incorporate the Caldwell Railroad Company," approved March tenth, one thousand eight hundred and sixty-nine.

May increase capital stock, borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said company may be increased to one million dollars; and the said company may borrow money not exceeding one-half the capital stock, and for that purpose are authorized to issue the bonds of the company in the manner prescribed in section nineteen, of the act of which this is a supplement.

2. *And be it enacted*, That the said company be and they

are hereby authorized to re-survey and re-locate the route or routes of the road or roads authorized by the act to which this is a supplement; and that upon filing or depositing in the office of the secretary of state, the survey of such route or routes so re-located, such new survey shall supercede that now on file or deposit in said office. Authorized to re-survey and re-locate route.

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

Approved April 5, 1871.

CHAPTER DXVII.

A Supplement to the act entitled "An act to incorporate the Traders' Express Company," approved March twenty-six, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said corporation to borrow either at one time, or from time to time, such sum or sums of money, not exceeding in the whole seventy-five thousand dollars, as may be necessary for the payment of any debt or debts of the company, and to issue their bond or bonds for the same to bear interest at a rate not to exceed seven per centum per annum, and to secure the payment thereof by a mortgage or mortgages upon the property of the company or any part thereof. May borrow money and secure the same by bond and mortgage.

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

Approved April 5, 1871.

CHAPTER DXVIII.

A Further Supplement to an act entitled "An act to incorporate the New Jersey Building Company," approved March eleventh, one thousand eight hundred and sixty-four.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement, and by any act or acts supplementary thereto, shall hereafter be called and known by the name of "The Derrom Lumber, Land and Building Company," and by that name shall have continued succession, and shall and may possess and exercise all the rights, powers and privileges granted by the said act to which this is a supplement, and by any act or acts supplementary thereto; and by said name may hold, use and dispose of all property, real and personal, held by said corporation at the time of the passage of this act.

Powers.

May purchase, hold and improve lands, &c.

2. *And be it enacted*, That the said corporation may adopt and have a common seal and change the same at pleasure, and in addition to the powers granted by the said original and supplementary acts, the said corporation shall be capable in law of purchasing, holding and improving any lands, machinery and other property, and of using, leasing, mortgaging, conveying and disposing of the same, or any part or parts thereof, and of making any contracts in relation thereto.

Acts of corporation confirmed and made valid.

3. *And be it enacted*, That all contracts, conveyances, mortgages, acts and deeds heretofore had, made and entered into, by or with the said corporation, according to and within the powers granted by the said original and supplementary acts, or by this act, are hereby confirmed, and shall be held as valid as if the same had been made or entered into after the passage of this act.

How dissolved.

4. *And be it enacted*, That the said corporation may be dissolved at any general meeting of the stockholders thereof, specially convened for that purpose by the order of the directors, or by the president, upon twenty days' notice

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

5. *And be it enacted*, That the ninth section of the act to which this is a supplement, be and the same is hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 5, 1871.

CHAPTER DXIX.

An Act to incorporate the Mount Laurel Pursuing and Detective Company of the township of Evesham, in the county of Burlington.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present members of "The Mount Laurel Mutual Pursuing and Detective Company," for the detection of horse thieves, house breakers and other depredators on persons or property; and such other persons as shall become associated with them as members thereof, according to their by-laws, be and they hereby are incorporated into a body politic, by the name and title aforesaid, with all the privileges, immunities and liabilities belonging to such body. Corporate name.

Object.

2. *And be it enacted*, That the objects of said company shall be the detection, arrest and prosecution of burglars, horse thieves, and other depredators, and for the recovery of stolen property.

May raise a fund, &c.

3. *And be it enacted*, That in order to carry out the objects aforesaid, it shall and may be lawful for the said company, by their by-laws, to provide for raising a fund by fee for admission of members, assessments of the members, fines on officers and members for failure or neglect of any duty which may be lawfully imposed upon them; and said fees, assessments and fines may be collected by suit in the name of the company against the delinquents as debts of like amount may now by law be collected.

Officers, how chosen.

4. *And be it enacted*, That the officers of the company shall be a president, secretary and treasurer, and ten directors, who shall compose a board of direction, and shall be annually chosen by ballot at a general meeting of the company; *provided*, that the offices of secretary and treasurer may be filled by the same person; the said officers to continue in office for one year, or until their successors are elected; the first board of direction shall consist of the following persons, viz: David Darnell, president; Edmund Darnell, secretary and treasurer; Japhet B. Joyce, Joshua Borton, George L. Gillingham, William J. Evans, Samuel R. Sharp, Mark H. Buzby, Alfred H. Burr, William R. Wills and Clayton Haines, directors, who shall continue in office until the first annual general meeting after the passage of this act, and until their successors are chosen.

Proviso.

First board of direction.

Appointment of pursuers and their powers.

5. *And be it enacted*, That the board of direction may appoint or elect any number not exceeding twenty pursuers, and give to each a badge of office, who shall each have the power and authority of a constable, so far as may be necessary to carry out the objects of the company, and may execute warrants for that purpose issued by justices of the peace and aldermen; and shall be liable to all the responsibilities of constables in the exercise of said power and authority; *provided*, that they shall not be liable to the performance of any services, except as directed by the by-laws of this company, nor shall they be entitled to any fees or compensation for their service, except out of the funds of the company, and according to the by-laws or other regulations thereof.

Proviso.

6. *And be it enacted*, That the members of said board

of direction, before entering upon the duties of their office, shall respectively take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States, and the constitution of the State of New Jersey, and perform the duties of their office with fidelity. Members of board to take oath.

7. *And be it enacted*, That a general meeting of the company shall be held annually, at such time as shall be fixed by the by-laws, and at such place as the board of direction may, from time to time direct; the board of direction shall have the power to call special meetings at their discretion; notice of every meeting of the company shall be given for twenty days, by weekly publication, in a newspaper published in the county of Burlington, and in case any vacancy should occur in the board of direction during the year, the said board may fill the same until the next annual election. Meetings.

8. *And be it enacted*, That it shall be the duty of the board of direction, as soon as may be after the acceptance of this act, to prepare by-laws for the admission and expulsion of members, and for the general regulation and government of said company, and for carrying out its objects, and before said by-laws shall go into effect, they shall be approved by a meeting of the company, convened in the manner herein directed, and in the meantime the present laws and regulations of the company shall be in force as heretofore; *provided*, that none of the by-laws, rules or regulations shall be in conflict with the constitution and laws of the United States, or of the State of New Jersey; *and provided further*, that none of said by-laws shall be altered or repealed, except by a vote of two-thirds at any general or special meeting of said company. May make by-laws. Proviso. Proviso.

9. *And be it enacted*, That twenty members of the company shall be necessary to constitute a quorum at any meeting thereof. Quorum.

10. *And be it enacted*, That this act shall be deemed to be a public act, and go into effect as soon as it shall be accepted by a majority of the company, at a meeting thereof, to be convened in the manner hereinbefore directed, in which call shall be stated the object of the meeting. Act when to take effect.

Approved April 5, 1871.

CHAPTER DXX.

An Act to incorporate the Bridgeton and Salem Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Dunn, William Casper, James W. Mecun, George Hires, Ephraim E. Sheppard, Isaac Smalley, Andrew Horner, David P. Elmer, Richard Lott and Charles C. Grosscup, and such other persons as may be hereafter associated with them, be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of

Corporate name.

the "Bridgeton and Salem Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

Capital stock.

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

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this State, and that at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of

Election of directors.

the stockholders, to choose nine directors, a majority of whom shall be residents of this State; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in

person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred by 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 the 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 powers and functions as the by-laws of the said corporation shall provide.

Vacancies, how filled.

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

Failure to elect directors not to be dissolved.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct, by notice published in at least one of the newspapers published in said county, for a term of not less than three weeks; and in case of non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said

Power of directors.

corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May survey, lay out and construct railroad.

6. *And be it enacted*, That the president and directors of the said company be, and are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the city of Bridgeton, in Cumberland county, to such a point at or near the city of Salem, in the county of Salem, as may be deemed advisable; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents and 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 said route or routes of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of 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 repairs of the said road, subject to such compensation as is hereinafter provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavations, or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose and no more shall be taken, with as many sets of tracks and rails as the company may deem necessary; *and provided always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

May enter on lands, &c.

Proviso.

Proviso.

Proceedings in case of no agreement between company and owner.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause the said company to give notice thereof to the persons interested, if known and in this State, or if unknown and out of this State, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, residents in the county in which the land or materials in controversy lie or the owners reside, commissioners to examine and appraise the said 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 ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully, and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefit to be derived from, or in consequence of the said railroad or branch road, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company, for such lands or material, and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commis-

sioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oath or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said lands or materials or of the said owner or owners, to recover the amount of said valuation with interest and costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect, or refuse to pay the same for twenty days, after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax, and allow such costs, fees, and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided, always,* that should the said company, or the owner or owners of any of the land or materials, feel himself, herself, or themselves, aggrieved by the decision of the commissioners aforesaid, he, she, or they, may appeal to the next circuit court in the county wherein the said land or materials may lie.

Proviso.

Proceedings in case of appeal.

8. *And be it enacted,* That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in form of petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and a notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same; and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried in 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 said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said cost 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 filing the aforesaid report; *provided*, that in no Proviso. case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the parties or party entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made to receive the same, or shall be out of the State, or under any legal disability, then the payment of the amount assessed, or found, as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners; *provided further*, that in case Proviso. of appeal from the award of the commissioners by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeals, may thereupon take actual possession of the lands for the purpose of constructing said roailroad or of otherwise appropriating the same to their use.

Bridges to be constructed and kept in repair.

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

May have and hold real estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroads, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain, over such rivers, creeks and streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

May build bridges.

Proviso.

Dividends.

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

May purchase equipments, &c.

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

May make contracts with other corporations.

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

Penalty for injuring works.

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

Running cars.

15. *And be it enacted*, That when five miles or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Statement of cost and expenses to be made and filed.

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

State tax.

May borrow money and secure the same by mortgage.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair

said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this State against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

State may take road on payment of appraisement.

18. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the Legislature of this State may cause an appraisement of said road and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of this State for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the Legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after notice of the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the six commissioners shall be appointed, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid; and thereupon the State shall have the privilege, for three years, of taking said road with its appendages, upon the payment to the company of the amount of said report, within one year after electing to take the said road, which report shall be filed in the office of the secretary of this State, and the whole property and interest of said road, and the appendages thereof, shall be vested in the State of New Jersey, upon the payment of the amount so reported to the said company; and it shall be the duty of the president of the company to lay before the Legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of the

receipts and disbursements of the company; *provided, always*, that the aforesaid valuation shall be made without any reference to the receipts and disbursements of the company, or advance of stock, and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof. Proviso.

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

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this State, whilst traveling for the purpose of discharging the duties of their offices, and the members 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. Free passes.

21. *And be it enacted*, That the said railroad is empowered to connect with any other road. May connect with any other road.

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

Approved April 5, 1871.

CHAPTER DXXI.

An Act to incorporate the Homestead Life Insurance and Trust Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That D. E. Culver, A. D. Mellick, J. Fitch Mallroy, T. B. Decker, C. D. Clark, B. F. Woolsey, William McLean, M. R. Leverson, Albert Pearce, William P. Mellen, H. S. Rider, David E. Green, James L. Andrus, Seaman Field, R. M. Hening, William Taylor, John Richards, Gottfried Krueger, John Baier, M. Rosenstock, Henry Stengel, Michael C. Smith, and all others who may become associated with them as stockholders, as hereinafter provided, their successors and assigns forever, be and they hereby are created and made a body corporate Corporators.

and politic, for the purpose of life insurance, and for the other purposes hereinafter mentioned, by the name of "The Homestead Life Insurance and Trust Company," and by that name shall be and hereby are empowered to purchase, have, hold, possess and enjoy to themselves and their successors, such lands, tenements, hereditaments, goods, chattels and effects of every kind, as may be necessary to the transaction of the business of said company, and the same to grant, alien, sell, invest and dispose of, to sue and be sued, plead and be impleaded in all courts of justice, to have and use a common seal, and the same to renew and change at pleasure, and to ordain and put in execution such by-laws and regulations as they may deem proper for the well-ordering and government of said corporation, and the transaction of its business; *always provided*, they be not repugnant to the laws of this State, or of the United States, or to the provisions of this act of incorporation.

Corporate name and powers.

Proviso.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into shares of fifty dollars each, but when one hundred thousand dollars shall have been actually subscribed, and fifty thousand dollars paid in cash, the said company may organize and proceed to business under this act.

Failure to pay instalment, stock to be sold.

3. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations of the company, to be expressed in their by-laws, and if any subscriber of any share or shares of said stock shall, after the payment of his subscription instalment, as hereinafter provided for, neglect or refuse to pay for, or to secure the payment of the residue of the stock by him subscribed, for the space of sixty days after the same shall become due or required, and after he shall have been notified thereof, the stock of such negligent stockholders shall be sold by the directors at public auction, giving at least twenty days' notice thereof in some newspaper printed in Hudson county, New Jersey, said notice to be printed at least once in each week during said period of twenty days; and the proceeds of such sale be first applied in payment of the instalment called for, if the whole be not due, and in payment of the expense of such sale, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects, entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

May make insurances on lives.

4. *And be it enacted*, That said corporation is authorized and empowered to make insurances, predicated upon the lives of persons, and on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said corporation; and to make contracts upon any and all conditions appertaining to, or connected with life risks of whatever kind or nature; and policies may be issued stipulated to be with or without participation in the profits by the insured.

Married woman may insure life of husband.

5. *And be it enacted*, That policies may be issued by the said company to any married woman in her name, or in the name of a third person as trustee, to cause to be insured the life of her husband for any given period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of the husband, the amount of the insurance may be made payable after her death to her child or children, for his, her or their benefit, or their guardian or guardians, if under age.

Creditors of husband not to be benefitted.

6. *And be it enacted*, That policies of insurance issued by said company on the life of any person, expressed to be for the benefit of a married woman, whether the same be effected by herself or her husband, or by any other person in her behalf, shall ensure to her separate use and benefit, and that of her or her husband's children, if any, as may be expressed in said policies, independently of her husband and his creditors and representatives, and also independently of any other person effecting the same in her behalf, his creditors and representatives.

Child may insure life of parent.

7. *And be it enacted*, That it shall be lawful for any child by himself or herself, and in his or her name, or in the name of any third person, as his or her trustee or guardian, to cause to be insured for his or her sole use, the life of his or her parent, and the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to him or her, and for his, her or their own use, free from the claims of the representatives of his or her parent, or any of his, her or their creditors.

Office, where located.

8. *And be it enacted*, That the office of the company shall be located in the city of Jersey City, and the stock, property and affairs of said corporation shall be managed and

conducted by no less than nine, nor more than twenty-one directors, a majority of whom shall reside in this State, and after the first year of the organization of this company, are all to be chosen by ballot from among and by the stockholders; which directors, as also those of the first year, shall hold their offices until the first Tuesday in January next ensuing their election or appointment, and until others are chosen to supply their places; and the annual meeting for the choice of directors shall be holden at the city of Jersey City, on the first Tuesday in January, or on such other day of the month of January, as shall be determined by the by-laws of the said corporation; in the choice of directors as aforesaid, each stockholder present, or represented by his attorney, shall be allowed one vote for each and every share of stock then held by him, and none but stockholders shall be eligible to the office of director, and a majority of said directors shall constitute a quorum for the transaction of business; dividends of profits to stockholders may be made in January and July of each year.

Election of directors.

Failure to elect directors not to be dissolved.

9. *And be it enacted*, That if it shall so happen that an election of directors of said corporation shall not be held at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby, but an election may be had at any time within one year thereafter, the time to be designated, and notice thereof given by the directors; and public notice, by order of the directors, shall always be given at least ten days previous to any meeting of the stockholders, in a newspaper printed in Hudson county, and in such other way as may be deemed expedient by the directors; and the president shall have power to call special meetings of the stockholders whenever requested so to do by a majority of the directors.

Commissioners to open books and receive subscriptions.

10. *And be it enacted*, That to carry out the provisions of this act and to organize the said corporation: R. M. Heening, John Van Arden, D. E. Culver, M. Rosenstock be, and they hereby are appointed commissioners for the purpose of receiving subscriptions to the capital stock thereof, and the first instalment thereon, and as such are hereby authorized to receive such subscriptions, and to close the subscription books of said company when the said capital stock shall be fully subscribed, or in case the capital stock shall be over subscribed, to distribute and apportion the same among subscribers, as the commissioners shall deem proper, and each

subscriber, at the time of his subscribing, shall pay to the aforesaid commissioners ten per centum of the entire amount of his subscription, and the residue to become due at such times and in such sums or instalments as the board of directors shall determine; and the persons first herein named shall constitute the first board of directors, who shall hold their offices, with all the powers given to directors by this act, until others are chosen to supply their places; the directors shall adopt such by-laws, rules and regulations as may be necessary and convenient for commencing and carrying on business under this act.

May adopt by-laws.

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

Officers.

Vacancies, how filled.

12. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, may be made with or without the seal of said corporation, and shall be signed by the president and secretary, and being so signed and executed shall be binding and obligatory upon said corporation according to the true intent and meaning of such policies and contracts, subject at all times to the by-laws of said company.

Policies binding on corporation.

13. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses

General powers.

in action, evidence of debt, and certificate of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts or other property, except household furniture and wearing apparel, and to take the management, custody and charge of real and personal estate and property, and to advance moneys, securities and credits upon any property, real or personal, on such terms as may be established by the directors of said company; and that the capital stock and funds of said corporation may be invested and reinvested in, and loans made upon bonds and mortgages on real estate within the State of New Jersey, and the bonds and stocks of said State and of the United States, and upon such other security as the board of directors may see proper; and that said corporation may receive, in addition to the interest upon such loans, a commission for the transaction and making said loans.

Suits may be brought for non-payment.

14. *And be it enacted*, That suits at law may be maintained by any stockholder, or person insured by said company, against said corporation for losses or damages insured against by said corporation, if payment shall be withheld more than ninety days after the same shall be due and payable by the terms of the policy of insurance or other contracts, and after said corporation shall have been duly notified of such loss or damage.

May receive deposits.

15. *And be it enacted*, That the said company shall have power to receive as deposits all sums of money which may be offered, in such sums, and at such times, and on such terms as the by-laws shall prescribe, which money so received shall be repaid to such depositor, at such times, and with such interest, not to exceed seven per centum, and under such regulations as shall be by said company, from time to time prescribed; and the said company may accept and execute all such trusts of any and every description as may be committed to said company by any person or persons, corporation or corporations, by will or otherwise, or transferred to them by the order of any court; and the said company may take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate

May accept and execute trusts.

or trusts created in accordance with the laws of this State, and execute such legal trusts in regard to the same on such terms as may be declared, established or agreed upon in regard thereto.

16. *And be it enacted*, That this act may be altered, amended or repealed, at the pleasure of the Senate and General Assembly. Legislature may amend act.

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

Approved April 6, 1871.

CHAPTER DXXII.

An Act for the relief of Charles H. Blanchard, of the township of Hanover, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles H. Blanchard, of the township of Hanover, in the county of Morris, be and the said Charles H. Blanchard is hereby restored to all his rights, liberties, privileges, and franchises as a citizen of the State of New Jersey. Restored to citizenship.

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

Approved April 6, 1871.

CHAPTER DXXIII.

An Act to enable the Englewood Horse Railway Company to build a Branch Road.

Empowered to lay out and construct a branch road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Englewood Horse Railway Company, be and hereby is authorized and empowered to lay out and construct a railway or branch road, to commence at a point in the northerly line of this State, in Bergen county, east of the Hackensack river, and running thence southerly, to connect with the Northern Railroad of New Jersey, at Cresskill, or any point north thereof; and for the purpose of laying out, constructing and operating the said road, the said company shall have the same rights and powers conferred by the act incorporating the said Englewood Horse Railway Company, and the acts amendatory thereof.

Amendment.

2. *And be it enacted*, That the second section of the act entitled "An Act to incorporate the Englewood Horse Railway Company," approved April sixth, one thousand eight hundred and sixty-six, be and the same is hereby amended so as to read as follows: "*And be it enacted*, That the amount of the capital stock of the said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same from time to time to five hundred thousand dollars, which shall be divided into shares of one hundred dollars, each, and be deemed personal property, transferable in such manner as the said corporation shall by their by-laws direct."

Repealer.

3. *And be it enacted*, That all parts and provisions of the said act to incorporate the Englewood Horse Railway Company, and of the acts amendatory thereof, inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DXXIV.

An Act to incorporate the Plainfield Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Sutphen, Albert L. Runyon, Elias R. Pope, Joseph M. Osborn, John M. Board, Carman Parse, Joseph B. Coward, William Flagg, Wallace Vail and John W. Murray, and such other persons as may hereafter be associated with them be, and they are hereby ordained, constituted and declared a body corporate and politic, in fact and in law, by the name of the "Plainfield Horse Car Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation. Corporators. Name.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in the newspapers published in the city of Plainfield; and at the time of subscribing for said stock such per centage shall be paid upon the amount subscribed for, to the said commissioners, or some one of them, as the said commissioners, or a majority of them may think proper; and as soon as twenty thousand dollars of the capital stock shall be subscribed, and five thousand dollars actually paid in, such commissioners, or a majority of them, shall call a meeting of the stockholders, to choose seven Commissioners to open books and receive subscriptions.

Election of directors.

directors from among their number, all of whom shall be residents of this State; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred, and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this State; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

Vacancies, how filled.

Failure to elect directors not to be dissolved.

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

May make by-laws, &c.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by instalments not exceeding twenty per centum at any one time, nor within thirty days from the date of the payment of the last instalment, and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and

to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and also to the president, as to the said board shall appear proper.

May survey, lay out and construct a railway.

6. *And be it enacted*, That the president and directors of the said company, be and they are hereby authorized and empowered to survey, lay out and construct a railway, with such turnouts and switches, as the said company may deem necessary, from some suitable point in the village of Dunellen, in the township of Piscataway, in the county of Middlesex, through the city of Plainfield, to some suitable point in the village of Fanwood, in the township of Westfield, in the county of Union, with branches from some suitable point in the city of Plainfield to some suitable point in the village of Metuchen, in the township of Raritan, in the county of Middlesex, and to some suitable point in the township of Warren, in the county of Somerset; said railway, and the branches and switches aforesaid, to be constructed from time to time, and in such portions or sections as the said corporation shall deem expedient, and to locate and construct said railway and branches, not exceeding twenty feet in width, with single or double tracks, as they may deem necessary; and the said company are invested with all the powers necessary or convenient to survey, locate, lay out, construct and maintain said railway; and it shall be lawful for said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands, for the purpose of exploring, leveling, surveying and laying out the route of such railway, and of locating the same, and to make and erect all the necessary works, buildings and appendages thereon, doing no unnecessary damage to private property; and when the route or routes and location of said railway, or the branches thereof, shall have been determined upon, and a survey thereof, by section or otherwise, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such

May enter on lands, &c.

lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railway, and to carry into full effect the objects of this act, subject to such compensation, and upon such terms, as are hereinafter provided for, with full right, power and authority to connect with any other railroad corporations.

May connect with any other railroad.

Consent of common council to be first had before company shall lay rails in Plainfield.

7. *And be it enacted*, That if the said railroad and branches shall be located on any public street or highway, except for the purpose of crossing the same, in the city of Plainfield, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose without first obtaining the consent, in writing, of the common council of said city; or if the said railroad and branches shall be located on any public street or highway, except for the purpose of crossing the same, in the townships mentioned in the sixth section of this act, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose without first obtaining the consent, in writing, of the township committees of the respective townships aforesaid, which consent shall be filed in the offices of the clerks of the counties in which such city or township may be situated; and the said railway and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located.

Proceedings in case company and owners cannot agree.

8. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required land for the use or purchase thereof, or if by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of the said road shall be given in writing under the oath or affirmation of some engineer or proper agent of said company, and also the name or names, of the occupant or occupants if any there be or the owner or owners if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the counties of Middlesex, Union or Somerset, as the case may require, who shall cause the said company to give notice thereof to the persons interested, if known, and in this State, or if unknown, or out of this State, to make publication

thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this State, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said lands, and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be made in writing under the hands and seal of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments, and oaths or affirmations aforesaid, in the clerk's office of said county, to remain on record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned,) shall at all times be considered plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings in case of appeal.

9. *And be it enacted*, That in case the said company, or owner or owners of the said lands, shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may

appeal to the circuit court of the county in which the land is situated, at the first term after the filing of the said report, by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried in the next term of said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner, or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall the said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or making any erection or improvements whatever, or otherwise appropriating said land to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said lands or damages; in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of this State or under any legal disability, then payment of the amount assessed, or found as aforesaid, into the circuit court of the county in which the land so taken is situated, shall be deemed a valid and legal

Proviso.

payment; *provided also*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise, at such point or points shall be constructed a viaduct, at such a height as not to interfere with the passage of the trains upon such other railroad. Proviso. Proviso.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railway, horse cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think expedient or right, but that no steam power shall be used on said railway, except that known as dummy engines, or any part thereof, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they, from time to time, shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the railway carriages of others, and four cents per mile for every empty railway carriage not the property of the company; and that the said 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 carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and May purchase equipments, &c. and rates of transportation. Proviso. Proviso.

running and rates of traveling by the company, in the same manner as the carriages of the company are; and the said railway and its appendages and the land over which the same shall pass and all the works and improvements, and all other property whatsoever belonging to the company, are hereby invested in the said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company after the said road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case the franchises granted to said company by this charter shall be annulled, and the title to the lands over which the said railway is located, shall be re-vested in the person or persons who would have been legally entitled thereto if this said road had not been located; but the superstructures of said railroad and the materials of which the same are composed shall in such case be deemed and taken to be the personal property of the said company, and shall be by them removed and disposed of within a reasonable time, to and for the use of said company.

Proviso.

Dividends.

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

May have and hold real estate.

12. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at points along the line of said road as may be necessary for the transaction of their said business, not exceeding three acres in each place, and may erect and build thereupon depots, warehouses and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Penalty for injuring works.

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

Running cars.

14. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said com-

pany may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

Annual statements.

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

State tax.

Proviso.

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

16. *And be it enacted*, That the said corporation shall have power to borrow, after twenty-five per centum of the capital subscribed shall have been paid in, in cash, such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage; and that said company is hereby authorized to issue its corporate bonds to an amount not exceeding its capital stock, and may secure the same by mortgage liens upon the said road, land, franchises and appurtenances of or belonging to

the said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease or consolidate with any other railroad.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road, or to consolidate with any other horse railroad company, and after such lease or consolidation, such company may use and operate said railroad according to the provisions and restrictions contained in the charter of such company, or the said corporation may make

May make contracts, &c.

contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rate of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

Power to connect with any other railroad.

18. *And be it enacted*, That the said company shall have power to connect with any other railroad now or hereafter built and established by any other company incorporated by the Legislature of the State of New Jersey, upon such terms and conditions as shall be agreed upon between them, and not inconsistent with their respective charters.

Act, when void.

19. *And be it enacted*, That if at least two miles of the said railway be not completed and in use within five years from the fourth day of July next, then and in that case this act shall become void.

Act, how to be construed.

20. *And be it enacted*, That this act shall not be construed so as to give to the said railroad company hereinbefore mentioned, any rights to lay any track upon any street in the said city of Plainfield, without first having received the consent of the common council thereof, in writing, authorized by a two-third vote of said council; neither shall said railroad corporation enter upon or take possession of any private property for depots or other purposes within the boundaries of said city of Plainfield, until said corporation shall first have purchased the same at private sale from the owner or owners, and paid for the same to him or them, or their legal representatives, anything in this act to the contrary, notwithstanding; this Legislature reserving the right at any

time hereafter to alter or modify this act, whenever in their opinion the public good may require it.

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

Approved April 6, 1871.

CHAPTER DXXV.

An Act for the improvement of the township of Kearney, in the county of Hudson, and to increase the powers of the township committee in said township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the township committee of the township of Kearney shall consist of five members, to be chosen and elected in the manner now provided by law for the election of township committees in the townships of this State, and as soon after an election as the said township committee shall have qualified as hereinafter provided, they shall be denominated "The Board of Township Committee, of the township of Kearney," and by that title they shall have all the powers of a municipal corporation necessary for carrying out the objects and purposes of this act, and may have a common seal, alterable at pleasure, and by their title may sue and be sued in any of the courts of this State, and the said the board of township committee of the township of Kearney may, by their title, "The Board of Township Committee, of the township of Kearney," make contracts, agreements and regulations, may pass, alter and repeal ordinances for the purpose of carrying out the objects and intentions of this act. Township committee. Title. May make contracts, &c.

2. *And be it enacted*, That the said board of township cemmittee, or others, elected or appointed in pursuance of this act, or of any law or ordinance of said board of township committee, shall not enter upon the discharge of his or their duties unless within ten days after his election or appointment he shall take and subscribe, before some person authorized to administer oaths, an oath or affirmation, faith- Officers to take oath.

fully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file such oath or affirmation with the clerk of said board of township committee, who shall keep all such oaths or affirmations on file in his office, and in case any such person shall neglect to take such oath or affirmation within ten days after his election or appointment, or shall, within the same time, neglect or refuse 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 the said board of township committee shall fill all vacancies that may happen in their own body, or in such offices as they may create.

Oath to be filed.

Vacancies.

Meeting of township committee.

3. *And be it enacted*, That within thirty days after the said board of township committee shall have qualified, they shall meet in some suitable place and organize by electing one of their number chairman, the majority of the whole board being necessary to a choice in any election or appointment, and in the absence of their chairman, shall elect one of their number to preside for the time being; appoint a clerk, and the times and place of meeting, determine and establish the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, and may expel a member for disorderly conduct or a violation of their rules; but no expulsion shall take place except by four votes of the board, nor until the delinquent member shall have had an opportunity to be heard in his defence.

Ordinances, &c., to be signed by chairman and clerk.

4. *And be it enacted*, That every ordinance of the said board affecting the interests of the township, shall, before it takes effect, be presented to the chairman of said board, engrossed in a book kept for that purpose, who shall sign the same, and when signed, a copy thereof, attested by the signature of the clerk, with the seal of the said board affixed, shall be posted in three conspicuous places in said township; *provided*, that no ordinance or by-laws shall be enacted or passed by said board unless the same shall have been introduced before the said board at a previous stated meeting, and shall have been agreed to by at least three members of the said board.

Proviso.

Members empowered to make arrests without warrant

5. *And be it enacted*, That every member of the said board shall have power, and it shall be his duty without warrant to arrest, or cause to be arrested, any person or

persons engaged in his presence in disturbing the public peace, or violating any law of the State or ordinance of the township, for the preservation thereof, or of good order or morality, and to bring or cause such person or persons to be brought before a police justice, or a justice of the peace of the county of Hudson, to be dealt with according to law.

Statement of receipts and expenditures to be published.

6. *And be it enacted*, That the said board shall on the first Monday of April, in the year eighteen hundred and seventy-two, and yearly thereafter, cause to be published for six days in one newspaper printed and published in the county of Hudson, and circulated in the said township, a full statement of all receipts and expenditures of every description for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose, together with the different sources of revenue, and the amount received under such.

Contracts, how void.

7. *And be it enacted*, That all contracts in which the members of said board, or any of them, shall be interested as individuals, either directly or indirectly, or in which any one of them may be surety for the faithful performance thereof, shall be null and void, and no member of said board shall become security for any public officer elected or appointed; any person violating any of the provisions of this section, shall be guilty of a crime and be liable to indictment by the grand jury of Hudson county, and punished as the law provides for the punishment of crimes.

Penalty for violation of this section.

No member to receive compensation.

8. *And be it enacted*, That no member of the said board shall receive any pay or salary for his services as a member of said board, nor shall he hold any office the emoluments of which come from the treasury of said township.

Compensation of officers.

9. *And be it enacted*, That the said board shall have power to fix the salary, pay or compensation of all officers, both elected and appointed (except the members of the board of township committee, who are not entitled to any compensation,) and except such township officers whose pay or salary is provided for by law or by general ordinance; and the salary or compensation of any officer or officers which has once been fixed as aforesaid, shall not be increased during his term of office.

Duties of officers to be prescribed by ordinances.

10. *And be it enacted*, That it shall be the duty of said board of township committee, by ordinance or ordinances, to prescribe and define the duties of all officers appointed by

the board, and establish all needful departments of said township, and require all of them to make returns and reports at stated periods during the year, and the payment into the township treasury of all moneys, fines, penalties, or from any other source not herein provided for.

Power of board to pass and enforce ordinances.

11. *And be it enacted*, That the said board of township committee shall by their title "The board of township committee of the township of Kearney," have power to pass, enforce, alter and repeal ordinances to take effect in said township of Kearney for the following purposes:

To lay out streets, &c.

I. To lay out, open, widen, vacate, alter grade, fill up, refill, establish, alter and regulate the grade and grading of all streets, avenues and roads, side and cross-walks, to ascertain and establish the boundaries of all streets and public roads in the township, and to authenticate any and all of said improvements by maps or otherwise;

To pave, grade, curb, &c.

II. To pave, macadamise, grade, curb and gutter the streets, avenues and roads; to construct and build sewers, drains and culverts, and other necessary passages for water;

To lay sidewalks

III. To lay sidewalks of stone or of other materials, and to lay out cross-walks of stone; to set and reset the curbs and gutters in the streets and roads, or any part thereof;

To prohibit laying of pipes.

IV. To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof in said township;

Nuisances.

V. To declare what shall be considered nuisances in streets, roads, lots and places in said township; to prevent and remove all obstructions and nuisances in and upon any street, road, sidewalk, place or places in said township; and to provide for the sale or other disposition of such incumbrance in or upon the streets or roads;

Use of streets.

VI. To secure in every respect, to the public and to the adjoining owners, the safe and convenient use of all streets, sidewalks and public places, for the purpose for which they are or may be laid or dedicated in said township;

Droves of cattle.

VII. To regulate and control the driving of cattle, mules or other animals in droves through such streets or roads only as they shall prescribe;

Cattle running at large.

VIII. To prevent horses, cattle, sheep, swine, dogs, goats and other animals and geese from running at large, and to provide for the impounding and sale of the same;

Fast driving

IX. To prevent immoderate and fast driving in the streets, cruelty to animals, and driving over or upon the

sidewalks; and to regulate the planting and protecting of shade trees;

Riots.

X. To prevent riots, disturbances, and disorderly assemblages in the street, or in any house or place in the township; to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain andpunish all mendicants, vagrants, street beggars and common prostitutes, to suppress vice and immorality;

To license taverns and hucksters.

XI. To license and regulate or prohibit inns or taverns, restaurants and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks; to license, regulate and prohibit hawkers, hucksters, butchers, slaughter houses and markets, on such terms and under such regulations or penalties as the said board shall by ordinance impose;

Finances.

XII. To manage, regulate and control and protect the finances of the township, and all school houses and other buildings;

Health laws.

XIII. To provide health laws, and to appoint a committee on health;

Board of education.

XIV. To establish a board of education, and provide for their appointment, define their powers and duties, to order and regulate public schools in everything 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 said township;

Violation of ordinances.

XV. To punish by fines or imprisonment. or both, in the lock-up of said township all violations of any ordinance authorized by this act, fixing the penalty for the violation of any ordinance, and to provide all means which they may deem necessary to carry into effect the objects and purposes of this act, and to have and exercise all the powers provided in this act.

Election and appointment of officers.

12. *And be it enacted*, That the township offices, in addition to the township committee, shall consist of two police justices, one assessor, a treasurer, school superintendent, a township clerk, an overseer of the poor, a marshal, and two assistants, a street commissioner, and two or more surveyors, two commissioners of appeal, one constable, one chosen freeholder, one or more poundkeepers, three judges of election, one clerk of election; that the commissioners of appeal, constable, chosen freeholder, assessor, judges of election and clerk of election, shall be elected annually, at the annual spring election, and all other officers, except as hereinbefore and hereinafter stated, shall be elected and

appointed by the said board of township committee, to hold their office for one year, or until others are elected or appointed in their stead; *provided*, that the police justices named in this act shall be the justices of the peace elected in said township.

Proviso.

Powers of police justices.

13. *And be it enacted*, That each of the police justices shall have jurisdiction and are hereby empowered on oath, affirmation or affidavit, made according to law, that any person or persons who has or have been guilty of a violation of any of the ordinances of said township, 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 not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that in the return of such process, or at the time to which the police justice shall have adjourned the same, the said police justice shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the police justice shall, if judgment be rendered for the plaintiff or prosecutor, forthwith issue execution against the goods and chattels, and against the body of the defendant; *provided*, that 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 courts for the trial of small causes; *provided further*, that no fine shall be imposed exceeding fifty dollars for each offence, and no term of imprisonment shall exceed sixty days for each offence; *and provided further*, that all cases and matters pending in the court of either of the said justices at the expiration of their term of office, or at the time of the resignation or death, or inability to serve of either of them, shall be continued by the other; or in case of the resignation, death, or inability of both, then the pending cases and matters in their court shall be continued by their respective successors, who shall have jurisdiction of the same; all books and records of said court shall be the property of the township, and as such shall be preserved and transferred to their successors in office.

Proviso.

Proviso.

Proviso.

Marshal and assistants empowered to serve warrants.

14. *And be it enacted*, That the officers empowered to serve process issued by the police justices shall be, beside the constables, elected or appointed within said township, the marshal, and his assistants, of the township, and that said process shall be returned in the same manner, so far as circumstances will permit, as warrants for the arrest of persons issued out of the courts for the trial of small causes, are returned; and the defendant or defendants named therein shall, if the police justice sees fit to adjourn the hearing of the charge made, and so orders, enter into a recognizance as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the police justice, unto "The Board of Township Committee of the Township of Kearney," for his or her appearance on the day to which hearing may be adjourned, and in default of said appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in a court for the trial of small causes.

Writs of certiorari.

15. *And be it enacted*, That in all cases in which persons shall bring certioraries to remove the order, proceedings or judgments given or made by either of said police justices, it shall be lawful for the police justices so furnishing them to charge and receive before the delivery of their return thereto, at the rate of ten cents per folio for the same.

No writ of certiorari allowed unless bonds are given.

16. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceedings or judgment to be had or made by either of said police justices, unless the party applying for such certiorari shall enter into bond with the township committee of the township of Kearney in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the penalty recovered before the police justice, with interest and costs, if the judgment be affirmed, and shall in all things stand to and abide by the judgment of the supreme court respecting the order, proceeding or judgment given or made by the said police justice, which bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk

of the supreme court, for the benefit of the said township committee, and in failure thereof no certiorari shall be allowed.

Costs, by whom paid.

17. *And be it enacted*, That if any proceedings of either of said police justices shall, in removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court; but if said proceedings be reversed, then the plaintiff in certiorari shall not pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county of Hudson.

Power to erect and keep in repair public buildings.

18. *And be it enacted*, That said board of township committee shall have power to erect and keep in repair all school houses, station houses, and all other such buildings as the said board may consider necessary, and maintain the same; and they shall also have the power of purchasing real property, on which to erect such buildings, or any of them.

Police justices may commit offenders to common jail of Hudson county.

19. *And be it enacted*, That the police justices of said township shall, on conviction, in cases of arrest for violating any of the ordinances of the township, have power to enforce the penalty or punishment, imposed by his warrant of commitment, directed to the marshal or to one of his assistants, commanding him to convey the offender to the township prison or station house, or to the common jail of the county of Hudson, there to remain, and to be kept and dealt with as provided by law, and until the fine and costs are paid; and as regards criminal offences against the laws of the State of New Jersey, committed within the said township, the said marshal and his assistants are hereby empowered and required to discharge like duties, as now or hereafter may be required of constables under the laws of this State.

Jailor to receive and keep offender.

20. *And be it enacted*, That the jailor of the county of Hudson, for the time being, shall receive and keep all such offenders as shall be committed to the jail of the said county by the said justices for the term of his, her or their imprisonment, as expressed in the warrant of commitment; and the

Expenses, by whom paid.

expenses of keeping offenders so committed, for transgressions against the ordinances of said township, as may not be crimes by the law of the State, shall be borne and paid by the said board of township committee of the township of Kearney, at the rate allowed to the jailor for prisoners, to

be recovered by the board of chosen freeholders of the county of Hudson.

Duties of treasurer.

21. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse under the direction of said board of township committee all moneys collected for said township, and shall pay out the same only upon warrant of the said board, signed by the chairman and countersigned by the clerk; and no warrants on the township treasurer shall be authorized, except in pursuance of an order of said board, passed at a stated meeting, and entered in their minutes, and such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; and no warrant shall be delivered till a proper receipt is given therefor.

Duties of clerk.

22. *And be it enacted*, That the township clerk shall, in addition to the duties required of him by this act, or any other act of this State, have charge of all records, books and documents of the township, except when the said board shall direct otherwise by ordinance; he shall keep a record of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman of said board or acting chairman and said clerk; copies of all papers, duly filed in the office of the township clerk, and transcripts thereof, and of the records and proceedings of the board of township committee, and copies of the laws and ordinances of said township, certified by the clerk under their corporate seal, shall be evidence in all courts and places; that all the books in which the said board have caused their ordinances and by-laws to be recorded, and such other book and books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places, of the passage by said board of any and all ordinances and by-laws recorded therein, and, until the contrary be proven, all ordinances and by-laws so recorded shall be presumed to have been regularly introduced, passed and posted according to the provisions of this act; that the township clerk shall receive and pay over to the treasurer all moneys which, by any law or usage, may be paid to the clerk.

23. *And be it enacted*, That the overseer of the poor and

Duties of other officers.

superintendent of schools shall respectively perform such dnties as, by the laws of this State, appertain to and devolve upon overseers of the poor and superintendents of schools in the townships of this State, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof; the street commissioner and the surveyors shall respectively perform such duties as are provided by law and by the provisions of this act and by the ordinances, by-laws or regulations of said board, adopted by virtue thereof.

Officers to give bonds, &c.

24. *And be it enacted*, That the treasurer, clerk, and such other officers as the board may require shall, before they enter on the duties of their office, give bonds to The Board of Township Committee of the Township of Kearney, in such sums and with such sureties as the said board may approve, for the faithful performance of their duties; and all constables shall give bonds to the township in the manner required of other officers, with sureties to be approved of by the board.

Assessors to take oath.

25. *And be it enacted*, That the assessor, before entering upon the duties of his office, shall take and subscribe the oath required of other officers of said township; all taxes for the purpose of the township shall be by him assessed in the manner and within the time directed by the laws of this State for assessing township, county and State tax.

Fines to be paid to treasurer.

26. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the township treasury.

Penalty for not delivering over books, &c., to successor.

27. *And be it enacted*, That if any person having been an officer of said township shall not, within ten days after he shall have vacated, or been removed from the office, and upon notification and request of the said board by resolution directing the same, deliver over to his successor in office all property, books and papers belonging to the township, or appertaining to such office, in his possession or under his control, he shall forfeit and pay the sum of five hundred dollars, to be sued for and recovered, with costs, by said township.

Rights and privileges.

28. *And be it enacted*, That the township of Kearney shall remain as before, and entitled to all the rights, representations and privileges of a township of this State, except so far as is expressly contrary thereto in this act; and the elections to be held at the same time, and in the same man-

ner as heretofore, the judge and clerks of election to be elected and appointed as heretofore.

29. *And be it enacted*, That the said board of township committee, and all other officers elected or appointed under and by virtue of this act, remain in office till his or their successor has been elected or appointed and qualified. Officers to remain until successors are qualified.

TAXES AND THEIR COLLECTION.

30. *And be it enacted*, That it shall be lawful for the board of township committee to raise by tax every year so much money as they may deem expedient, for the purpose of supporting the police department of the township, for repairing streets and roads, maintaining the poor, supporting and maintaining public schools, a township prison and lockup, and contingent expenses, and all other purposes authorized by this act; 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 to be appropriated to no other; which tax shall not exceed, in any one year, ten mills on the dollar of the actual value of the property assessed, except obligations for war purposes and improvement coupon bonds; and every male resident of said township over the age of twenty-one years, who is not a pauper, shall be assessed the sum of fifty cents as a poll tax, to be applied for the purpose of public schools, and such board may borrow such sum or sums of money as may be necessary, and may secure the payment thereof by bond or other instrument, under the common seal and signature of the chairman of said board, attested by the township clerk; but it shall not be lawful for the said board to raise any sum of money by loan, unless the re-payment thereof shall be provided for from the taxes to be raised in said township in the same year, except as hereinafter stated; *provided*, that in all case where the said board are authorized to make or levy any assessment for any improvement in said township, they shall be authorized to borrow any amount of any such assessment in anticipation thereof. May raise money by tax. Amount of tax. Board may borrow money. Proviso.

31. *And be it enacted*, That all taxes for the purpose of said township shall be assessed by the assessor in the manner and within the time directed by the law of this State, and in accordance with the provisions of this act for assess- Taxes, how assessed and collected.

ing township, county and State taxes, and all taxes so assessed for township purposes shall be collected by the treasurer of said township in the same manner as he is by law directed to collect township, county and state taxes.

State and county taxes, how assessed and collected.

32. *And be it enacted*, That all State and county taxes shall be assessed by the assessor in like manner and upon the same property as the township taxes are assessed, and they shall be collected by the said treasurer in like manner as township taxes are collected by him, and shall be paid 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 taxes to be levied and collected in said township for State and county purposes, shall be adjusted and fixed from year to year, upon the same basis or ratio as by the laws of the State is or may be adjusted and fixed for the several townships in this State.

Proviso.

Commissioners of appeal to meet and receive statements under oath.

33. *And be it enacted*, That the commissioners of appeal shall give notice, to be posted in five public places in the township, to the effect that they will meet in a certain place in the township, and at a certain time, to receive statements, under oath or affirmation of any person or persons, or of any corporation aggrieved by reason of taxation, at which time, (at least one month before the first day of December of each year,) and at the place so designated, the said commissioners shall meet and receive statements under oath or affirmation of any person or persons or any corporation, and the exemption or deductions claimed from taxation on real or personal property by such persons or corporations; *provided*, that the oath or affirmation of any person shall not be conclusive as to the statements therein made; and that said commissioners of appeal in any case of unjust or erroneous taxation or assessment, shall be authorized to make deduction as the person or persons aggrieved shall be entitled to; *provided*, that said commissioners shall not allow deduction to an amount less than the tax required for township, county and State purposes.

Proviso.

Proviso.

Treasurer to make out a list of delinquent tax-payers, and to deliver the same to clerk.

34. *And be it enacted*, That the treasurer of said township in case of the non-payment of taxes on or before the first day of December, in each year, shall make out a list of the names of all delinquents with the sums due from them respectively, and shall deliver the same to the clerk of said township on or before the thirtieth day of December, in eac h

year, except when the said day shall fall upon Sunday, and then on the next day following, but such treasurer shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before some person authorized to take the same, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual place of residence of each delinquent who could be found or may reside in said township.

Interest to be charged on unpaid taxes.

35. *And be it enacted*, That whenever within the said township the said tax shall remain unpaid after the first day of December in each year, it shall be lawful for and shall be the duty of the treasurer to charge, receive and collect in addition to the amount of said tax, interest thereon to be computed at the rate of twelve per centum per annum from said first day of December, until the same be paid.

Taxes and assessments to remain a lien.

36. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate in the township of Kearney, shall be, and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or any other encumbrance thereon, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the board of township committee, it shall and may be lawful for the said board to cause such lands, tenements, or real estate to be sold at public auction, for the shortest term which any person will agree to take the same, and pay such tax and assessment or the balance thereof remaining unpaid, with the interest thereon and all costs, charges and expenses, and to execute under the common seal of said township a declaration of such sale to be signed by the chairman of said board and the township 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 the said term shall be ended and completed; but said board shall first have caused said sale to be advertised for at least sixty days in two newspapers generally circulated in said township, one of which newspapers shall be published in the county of Hudson, and also by advertisements put up in at least five public places in said township, which advertisements shall briefly describe

Lands to be sold.

Declaration of sale.

Sale to be advertised.

the said lands, tenements or real estate, with the name of the person or persons, or corporation to whom it was assessed, or if assessed to unknown, the advertisement shall so state, and the recitals in such declaration of sale, shall be prima facie evidence in all courts and places, of the assessments, advertisements and sale; *provided*, that the lands, tenements or real estate so sold, may be redeemed by the owner or owners, mortgagee, or any creditor or creditors under a judgment, attachment, or mechanics' lien, or any person in their behalf, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the township for the use of the purchasers, the purchase money, together with any sum paid for taxes or assessments which the said purchaser has paid, chargeable on such lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum, in addition thereto, and the certificate of the treasurer of the said township, stating the payment, and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption, a mortgagee shall have power to redeem any time until the expiration of the six months' notice herein specified; no mortgagee or assignee of 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 him by the purchaser, or those claiming under him, either personally, or if not to be found in the said township, then such notice shall be deposited in the nearest post office to said township, directed to him at his last known place of residence, or at the post office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; that the said term of time for which any land, tenement, or real estate, so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him, have a right of possession to said land, tenement or real estate until the two years limited for the redemption of the same shall have expired; and the said purchaser and those claiming under him, shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition, as when he entered thereon, natural wear and accidents excepted.

Proviso

37. *And be it enacted*, That the sale of any lands, tenements, or real estate, for assessment or taxes, may be adjourned or postponed from time to time, or suspend the same as said board may direct; and if at any sale the whole or any part thereof, shall remain unsold for want of purchasers, then it shall be lawful for the said board to adjourn the sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjournment of said sale; and if at the adjourned sale there shall be no purchasers of said lands, tenements, or real estate, or any part thereof, then it shall be lawful for the treasurer of said township to purchase the said lands, tenements, or real estate, for the use and benefit of the township of Kearney, subject to the redemption as herein provided for; and all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or assignee of 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 twelve per centum per annum, and such lien shall have the preference over all other liens on said lands, tenements, or real estate; and in foreclosure of any mortgage by any mortgagee or assignee of a mortgagee, redeeming, shall be directed to be made out of said lands, and on the sale of said lands under such decree or judgment, shall be paid out of the proceeds of the sale, said amount of taxes or assessments so paid, with interest, as aforesaid; and a complete record of all taxes and assessments, shall be kept in the township clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of said sale, to whom sold, and if redeemed, when and by whom.

Sale of lands may be adjourned.

Treasurer may purchase lands for use of township.

Record of taxes and assessments to be kept.

38. *And be it enacted*, That it shall be the duty of the said clerk to record in a book to be called "record of sales" all declarations of sales, as aforesaid, to give certificate 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 have been redeemed, on the certificate of the township treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two

Declaration of sales to be recorded.

Certificates of redemption.

certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office.

Duties of assessors.

39. *And be it enacted*, That all real and personal property in said township, shall be liable to taxation, except such real and personal property as is by law exempt from taxation by the assessors of townships, except also the real estate and personal property belonging to the township of Kearney, and except mortgages on real property in the township, and such personal property as is exempt by law from sales under execution on judgments for debts, on valuing the same at its true, full and fair value, and every person or persons, or corporation, owning or having in his, her or their charge any lands or personal property in said township, shall on application to the said assessor, disclose and specify the quantity and situation of such lands, and the amount, nature and value of personal property, and if any such person or persons, or corporations shall refuse to answer or give such information when required, the said assessor shall value his, her or their real estate and personal property at double the amount which he believes the same to be worth.

Mistake in name not to invalidate any tax or assessment.

40. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owner or owners of any real estate or personal property in said township, in assessing land or real estate for township, county or State tax, or for any street improvement, or for all, or any or either of them, such assesssment or tax shall be valid and effectual in law against such land and real estate, or chattels real, and the same may be proceeded against and sold in the manner prescribed, with the same effect as though such tax or assessment had been made in the name of the real owner or owners thereof; *provided*, that in the advertisement of sale of such lands, or chattels real, for any tax or assessment for street improvement, the name or names of the real owner, if discovered, shall be made to appear.

Proviso.

COMMISSIONERS OF STREET IMPROVEMENT.

Appointment and compensation of commissioners of street improvement.

41. *And be it enacted*, That it shall be lawful, and shall be the duty of the board of township committee to appoint three persons, who shall be residents and freeholders of the said township, to be called commissioners of assessments for street improvements, and they shall take and subscribe

the oath required by this act, and shall be appointed annually for the term of one year; said commissioners to receive pay as the board of township committee shall by ordinance provide; in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvement, then the board of township committee shall appoint some discreet and impartial freeholder or freeholders residing in said township, to serve with the said board of commissioners of assessments, in lieu of the commissioner or commissioners so interested, and the person or persons so appointed shall take and subscribe the oath herein required.

Powers.

42. *And be it enacted*, That said board of commissioners of assessments for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to therein by the board of township committee.

May open, grade and sewer any street, &c., on application in writing.

43. *And be it enacted*, That it shall be lawful for the board of township committee, by ordinance, to open, grade, pave, curb, gutter, fill up, re-fill, macadamize, lay side and crosswalks in any street, road or avenue, or any part thereof in said township; to build sewers, drains and receiving basins in and upon any street, road or avenue in said township, or any part thereof, on application in writing to said board of township committee; and all such applications shall be advertised by the board of township committee in one of the Hudson county daily newspapers, circulating in said township, for ten days at least, before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot, plot or parcel by numbers on said map, and they shall estimate the whole cost of said improvement according to the best of their judgment, and shall assess such estimated costs upon the lands and real estate benefitted, in proportion to the benefits received, and report the names of the owners of the lots, plots or parcels, as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of said township within twenty days thereafter; the clerk shall give notice of the filing of any such report and map within ten

Costs to be estimated and assessed on lands.

days after the same shall be filed with him, in one of the Hudson county daily newspapers circulating in said township, and by five notices put up on the line of said improvement.

Township committee to execute improvements unless remonstrance is filed.

44. *And be it enacted*, That unless within twenty days after the filing of said report, as in the preceding section provided, the owners of a majority of the lands in lineal feet to be assessed for such improvement shall file with the clerk of the said township, a remonstrance signed by them or their agents lawfully authorized, said board of township committee shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said township by the petitioners for such improvements in case such majority of owners remonstrate against the same; and the board of township committee shall make regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof as they may deem proper, by resolution or otherwise; and the said board may refer back said report and map to said commissioners of assessments for alterations or corrections in matters of form or substance, when they deem the same necessary.

Expenses and costs for improvements, &c., to be assessed on lands benefitted.

45. *And be it enacted*, That all expenses and costs of proceedings for improvements in opening, grading, paving, curbing, guttering, filling up, refilling, macadamizing, laying side or crosswalks, sewering, draining and building receiving basins, in or upon any street, road or avenue in said township, or any part thereof, when the same shall be completed, shall be assessed by the commssioners of assessments upon and be paid by the lands and real estate benefitted by the improvement so applied for, in proportion to the benefit received by said lands and real estate; and the said commissioners of assessment shall determine and report in writing to the board of township committee, what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each plot, lot or parcel assessed, and the name of the owner or owners thereof; which report and map shall be filed in the office of the township clerk; whereupon said clerk shall cause to be inserted, in one of the Hudson county daily newspapers, circulating in said township, for at least ten days, a notice of filing of said report; and he shall also put up five notices on the line of said

improvement in said township, to the effect that the said board of township committee, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment and to receive and consider all objections thereto which may be presented in writing.

If assessment be confirmed, to continue a lien on property.

46. *And be it enacted*, That if said board of township committee shall by resolution confirm said assessment, it shall continue a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of a general ordinance made by said board for the collection of assessments, and the said board shall have power to return said map and report for correction in matters of form and substance, before confirming the same; and in such cases the said commissioners of assessments shall have power to correct the same, and re-file it with the township clerk within ten days after it shall have been so referred back to them; and if the persons assessed neglect to pay the treasurer of the said township upon written notice of the confirmation of the assessment, the said board of township committee may proceed to enforce the lien as prescribed under the title of "taxes and their collection" of this act; and whenever within said township any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof, it shall be lawful for said board of township committee to charge, receive and collect, in addition to the amount of said assessment, interest thereon, at the rate of twelve per centum per annum, from the time of the confirmation of such assessment until the same is paid.

Interest to be charged and collected.

Width of streets, avenues or roads to be laid out.

47. *And be it enacted*, That all streets, roads or avenues to be laid out or opened, shall not be less than fifty feet nor more than one hundred and fifty feet in width, and all streets widened, extended or altered shall not be less than fifty feet nor more than one hundred and fifty feet in width; the sidewalk upon either side of any street, road or avenue shall occupy about one-fifth of the whole width of said street, road or avenue, and no stoop or step shall project, nor enclosed area extend beyond the line of said street, road or avenue; and said board shall have power, by ordinance, to regulate the planting of shade trees upon said sidewalks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or

Compensation to be allowed owners.

altering of any street or road in said township; but no lands shall be taken for the laying out, opening, widening or alteration, of any street, road or avenne without allowing or paying to the owner or owners thereof the fair value of the lands taken, and the improvements and buildings thereon, and the damage done to any district, lot or parcel of land or tenement by taking any part of it for that purpose.

Buildings, how removed.

48. *And be it enacted*, That the valuation of such lands in the last section mentioned, or damages by taking the same, shall be a part of the costs and expenses of the improvement requiring such lands or damages, and shall be distinctly estimated, determined, assessed and collected as provided in title of "taxes and their collection" of this act; in case any dwelling or other building may be required to be removed for the purpose of said improvement, and such dwelling or other building shall not be removed by the owner or owners, then it shall be sold at public auction and removed by resolution of said board of township committee, and the proceeds of such sale or sales, after paying the expenses thereof, shall be divided pro rata among all persons assessed for said improvement, under such regulations as said board of township committee may deem just and proper.

Commissioners to make report of value of lands taken, and damages.

49. *And be it enacted*, That the benefits to be done to the residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as the other lands; and the commissioners of assessments shall include in their preliminary and final report the value of the land taken for such improvement, and the value of the erections thereon, and the damages aforesaid done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion the commissioners shall, in their report, apportion such value and damages between them; and in case any lands assessed as aforesaid, or for any other assessments and taxes, shall be held by a tenant for life or years, and such tenant shall pay such assessments or taxes, or the same be made by a sale of his interest in said lands, said tenant or tenants, or his or their legal representatives, shall, at the termination of his or their estate, be repaid such principal sum, as well as the

Assessments to be repaid to tenants for life.

appraised value of all improvements made thereon by said tenant by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may by bill in chancery have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof; and such lien shall have a priority over all other incumbrances.

Treasurer to pay owners of lands amount of assessment.

50. *And be it enacted*, That upon completing the report aforesaid of the commissioners of assessments assessing the value of the lands so taken, and the damages thereby, the township treasurer shall tender and pay to the owner of said lands, if a resident of said township, the amount of such assessment due him; but if such owner is not a resident of the said township, or if upon inquiry he cannot be found therein, or is a lunatic or idiot, or if for any other lawful cause he is incapacitated to receive the same, or if said owner will not accept the same and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the town clerk, and the board of township committee shall, after inquiry into the facts of the case, by resolution, direct the amount of such assessment to be placed either in the township treasury or some bank, for the use of the person to whom it may be due; and upon filing such receipt of the owner, or the passing of such resolution by said board of township committee, the said lands shall be vested in the said township of Kearney, and the township officers may proceed with such improvement, and the said money so deposited shall be paid by proper warrant to the person entitled thereto, on demand, without interest, except from such time as a demand therefor may be made and payment refused.

Proceedings in case owner is incapacitated to receive the same.

Carriage ways and crosswalks, how repaired.

51. *And be it enacted*, That the board of township committee may, by resolution passed at any meeting, direct any repairs in the carriage ways or crosswalks of any street, road or avenue within said township, whenever they shall deem such repairs necessary; in cases where such repairs or improvements are not applied for in manner prescribed by this title, such repairs shall be made by contract or otherwise, as said board may direct, shall be superintended by the commissioner of streets, and shall be paid for by said

board, upon their approval of the work, out of the moneys raised by tax for repairs of streets; and that all repairs of sidewalks, and curbs, and gutters, shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the commissioner of streets; and if said owner or owners shall be non-residents of said township, it shall be sufficient for the commissioner of streets to post such notice upon or near the plot, lot or lots in front of which the sidewalk, and curb, and gutter may require to be repaired or relaid; and if the same shall not be repaired within ten days from the serving or posting of said notice, then it shall be lawful for the said board, by resolution, to direct the commissioners of streets to cause the same to be made; the costs and expenses for repairing and relaying as aforesaid, shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

Repairs of sidewalks, curbs and gutters to be made by owners of lands.

Change of grade of any street, how made.

52. *And be it enacted*, That the grade of any street, road or avenue, when established as provided in this act, shall be and remain the permanent grade thereof, and shall not be changed or altered, except upon the application to said board of township committee by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owner or owners of any buildings where damages are sustained by the alterations of such grade, the amount of the damage which shall be ascertained and determined by the commissioners of assessment making such assessment; and the cost and expenses of establishing and authenticating such grade, shall be assessed upon the lands of those applying for said change, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner, and to the extent as other assessments in this act provided.

Sewers or drains constructed by individuals not to be assessed.

53. *And be it enacted*, That when any sewer or drain heretofore constructed in said township by individuals at their own expense, shall be adopted by the board of township committee as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the lands fronting on such sewer or drain heretofore made, shall not be assessed for the same.

Township committee empowered to cause all improvements to be made.

54. *And be it enacted*, That the board of township committee are hereby empowered to cause all or any of the improvements authorized by this act to be made, on any of the streets, roads or avenues, whether the same is used as a plank road, railroad, or otherwise (except so far as such improvements may interfere with the corporate rights of such plank road, or railroad), in and upon all streets, roads or avenues, that have been or shall hereafter be dedicated to public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said township; and the said board shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said township.

Petitions may embrace any number of improvements.

55. *And be it enacted*, That the petition filed, praying for any improvement contemplated by this act, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue; but the commissioners of assessment shall return a distinct map and report for each of said improvements embraced in said petition or ordinance.

Owners may open, grade, and pave sidewalks.

56. *And be it enacted*, That in all cases where streets, roads or avenues are ordered to be opened, graded or paved, or where side or cross-walks are ordered to be made, the owners of property on the line thereof, may open, grade and pave, or lay side or cross-walks at their own expense, but in the manner directed by the board of township committee; *provided*, they do the same within a reasonable time, to be fixed by said board, otherwise said improvement shall be done by the township committee, in the manner provided in this act.

Proviso.

Clerk to charge and receive fees for return to certiorari.

57. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the said board of township committee, it shall be lawful for the township clerk to charge and receive from the parties bringing such certiorari, at the rate of ten cents per folio for the necessary return thereto, and said party bringing such certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his setting aside any ordinance, assessment, or proceeding of said board.

Township committee may take proofs in reference to assessments.

58. *And be it enacted*, That no ordinance, assessment, or proceeding of the board of township committee, by reason of the return to said certiorari, failing to show that all the requirements of this act have been complied with, but after the filing by the said prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any reasons; and said board of township committee may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall confirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said board; whenever any assessment is set aside, the said board may appoint new commissioners to make a new assessment.

No certiorari to be allowed after contract has been awarded.

59. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said township after the contract therefor shall have been awarded by the said board of township committee, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township after three months shall have elapsed from the date of the confirmation of said assessment.

Money to be refunded in case assessment is set aside.

60. *And be it enacted*, That in case any assessment is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said township, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots, tracts or parcels of land so assessed, and upon which said payments were so made, and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first money collected under the new assessment for said improvement.

Lands to revert to front owners.

61. *And be it enacted*, That whenever said board shall change or alter the location of any street, lane, road or avenue, the commissioners of assessments shall have power to take into consideration the land or premises which revert to the front owner on said street, lane, road or avenue so vacated, in awarding benefits or damages to the property benefitted or damaged by said alteration of said street, lane, road or

avenue so changed, and the lands so made to revert to the said front owners shall be held by the said front owners in fee, and the said board of township committee shall file a description of the said lands so reverted, in the office of the clerk of the county of Hudson, which said description shall be deemed and taken to be a deed of conveyance to the said front property owners.

No person incompetent as a juror or witness.

62. *And be it enacted*, That upon the trial of any issue or judicial investigation, to which the township of Kearney is a party or in which the said township is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant thereof.

Laws inconsistent repealed.

63. *And be it enacted*, That all laws relating to said township that may be in force when this act shall go into effect, so far as the same is not inconsistent with this act, shall be and continue in force until altered or repealed; and nothing in this act shall be construed to invalidate or affect any contracts, agreements or liabilities of the township of Kearney, heretofore legally given, made or entered into, for any purpose whatever.

Act not to affect any contracts.

Taxes, assessments, &c., due township of Kearney, by whom collected.

64. *And be it enacted*, That all debts, claims, taxes and assessments due to the township of Kearney when this act takes effect, shall and may be collectable by the township committee of the township of Kearney, for the use and benefit of the township of Kearney, and in the manner provided for the collection thereof.

Officers to act until end of their election or appointment.

65. *And be it enacted*, That all officers of the township of Kearney now performing duty as such, shall be continued as officers of the said township under this act till the end of their election or appointment, and they shall respectively have and exercise all the powers and duties herein prescribed, subject in all things to the provisions of this act, unless otherwise provided for in this act.

Township committee may issue bonds.

66. *And be it enacted*, That the township committee of the township of Kearney, are hereby authorized and empowered for the purpose of purchasing sites for and building school houses, and other buildings authorized by this act, in the said township, to issue, in the corporate name of the said township, either coupon or registered bonds, to be denominated on the face thereof "township of Kearney building improvement bonds," to an amount in the whole not to exceed ten thousand dollars, bearing interest at the rate of seven per centum per annum, payable half yearly,

Amount.

and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof; and the said bonds shall be sold at public or private sale for not less than ninety-five per centum of the value of the same, at such times and in such amounts only as the proceeds may be required as aforesaid; and the proceeds of said bonds shall be used only for the purpose named in this section; and for the purpose of paying said bonds and the interest thereon as the same may become due, the said board of township committee are hereby authorized to assess and collect a tax of two mills on the dollar on the property assessed in said township, which tax shall be called "public building tax," and shall be, in addition to any other tax, authorized by this act; and the treasurer shall collect and pay the same in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes.

Township committee may borrow money and issue bonds.

67. *And be it enacted*, That it shall be lawful for the township committee of the township of Kearney, to borrow not more than ten thousand dollars to meet any liabilities for street improvements that may at any time be contracted for or be in progress, and to issue the bonds of the township therefor, said bonds to be denominated on the face thereof "township of Kearney temporary improvement bonds," bearing interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be made payable in not less than five nor more than ten years from the date thereof; and that assessments made or to be made for work done or in progress, shall be applied to the redemption of said bonds and the interest thereon; and said bonds may be sold for not less than ninety-five per centum of their value.

Repealer.

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

Approved April 6, 1871.

CHAPTER DXXVI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to divide the Township of North Bergen, in the county of Hudson,'" passed February twenty-eighth, one thousand eight hundred and sixty-one, which supplement was approved March eighteenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That by and under the title of "The Inhabitants of the Township of North Bergen," the township committee of said township shall have full power and authority to prohibit or regulate the keeping of inns and taverns, and to prohibit or regulate the sale of ale, beer, wines, whiskies, and all other intoxicating liquors within the limits of said township, and also to grant licenses to the keepers of inns and taverns, and to license the sale of ale, beer, wines, whiskies, and all other intoxicating or spirituous liquors within the limits of said township; *provided, nevertheless*, that no license shall be granted under and by virtue of this act, except upon petition directed to said township committee, signed by at least six freeholders resident in the said township, besides the person or persons applying for such license, and who have not within one year from the time said petition is presented to said township committee signed any other petition for a license to keep an inn or tavern, or to sell ale, beer, wine or other spirituous liquors; *and, provided further*, that no license shall be granted for a longer or shorter term than one year; and that all licenses granted as aforesaid shall bear date either on the first day of May or the first day of November, except when either of said days be Sundays, and in that case on the second day of such month, and all licenses shall expire one year after the date thereof.

May license inns and taverns and to prohibit or regulate sale of liquors.

Proviso.

Proviso.

2. *And be it enacted*, That no petition for a license as mentioned in the first section of this act shall be received by said township committee, unless the same be accompanied

Petition for license to be accompanied with a fee.

with a fee of twenty-five dollars, which sum in case such license is granted shall be paid to the treasurer of said township, for the use of the inhabitants thereof; and in case the license is refused, the same shall be returned to the petitioner for said license; and in case a license is granted it shall be lawful for the clerk of said township to receive from the party to whom the same is granted a fee of one dollar and fifty cents for drawing and recording the same.

Fee of clerk,

Penalty for selling spirituous liquors without license.

3. *And be it enacted*, That if any person or persons shall keep an inn or tavern, or sell any ale, beer, wine or other spirituous liquors of a less quantity than five gallons in said township without having obtained a license according to the provisions of this act, he, she or they so offending, shall on conviction thereof, before any justice of the peace of said township, pay a penalty of twenty-five dollars and the costs of prosecution for the first offence, and fifty dollars and costs of prosecution for every subsequent offence, which penalty shall be paid to the treasurer of said township for the benefit of the inhabitants thereof.

Justices of peace to issue a summons and try the case.

4. *And be it enacted*, That upon complaint made by any member of the township committee or the clerk of said township, in the names of The Inhabitants of the Township of North Bergen, in the county of Hudson, which complaint shall be verified by the oath of any competent witness or witnesses and filed with any justice of the peace of said township, it shall be the duty of such justice of the peace to issue a summons against the person or persons complained of, commanding him, her or them to appear before him at a certain time and place to answer unto The Inhabitants of the Township of North Bergen, in the county of Hudson, in a plea of debt for selling spirituous liquor without license, which summons shall be served and returned in the same manner as other summonses, issued out of the court for the trial of small causes, and upon the return of such summons, whether the said defendant or defendants appear or not, the said justice of the peace may proceed to try the said cause without the filing of any written pleadings, and if upon the evidence the said justice shall adjudge such defendant or defendants guilty of selling ale, beer, wine or other spirituous liquors in said township, of a less quantity than five gallons without license obtained in accordance with this act, then such justice shall render judgment in favor of the plaintiffs and against the defendant or defendants in the sum of

twenty-five dollars, besides costs of suit on the first conviction, and in the sum of fifty dollars besides costs of suit on the second or subsequent conviction of such defendant or defendants; and thereupon such justice of the peace shall issue an execution directed to any constable of said township, commanding him to make the sum of money for which judgment was rendered of the goods and chattels of such defendant or defendants, and if he cannot find sufficient goods and chattels in the county whereon to levy and make said sum, to take the body or bodies of said defendant or defendants, and deliver him, her or them, together with his warrant, unto the jailor of the common jail of the county of Hudson, to be therein safely kept until the said debt and costs are paid, unless sooner discharged by order of the township committee of said township; *provided, nevertheless,* that the said justice may, if he deems it necessary, upon the return of any such summons adjourn the trial of such cause, from time to time, in the same manner, and for the same length of time, as he may adjourn other causes commenced by summons in the said court for the trial of small causes. Proviso.

5. *And be it enacted,* That the justice of the peace before whom any proceedings are had by virtue of the preceding section of this act, shall enter said proceedings upon his docket, and shall, upon payment of the usual fees, give certified transcripts therefrom as in other cases. Justices to enter proceedings on docket.

6. *And be it enacted,* That upon application of either party to an action had by virtue of the fourth section of this act, the said justice shall issue a venire for a jury of six men, as in other cases in said court, for the trial of small causes, to try the question of fact as to whether the said defendant or defendants are guilty or not guilty. On application justice shall issue a venire for a jury.

7. *And be it enacted,* That the legal voters of said township shall at their annual township meeting, vote for the amount of money to be raised for repairing highways in said township, and if such vote be by ballot, the sum expressed on a plurality of the votes cast, shall be the sum declared to be raised for such purpose.

8. *And be it enacted,* That the road masters of said township shall do the work to be done on the highways, in their respective districts, between the first day of May and the last Monday in June, of each year.

9. *And be it enacted,* That the assessor of said township of North Bergen shall receive for his services in making the Compensation of assessor.

assessments in said township, two per centum on the gross amount of taxes levied and assessed by him, as the same appears upon the duplicate, which shall be in lieu of all other fees whatsoever.

Assessor responsible for all losses.

10. *And be it enacted*, That the assessor of said township shall be held responsible to the inhabitants of the township of North Bergen, for all damages or losses resulting from his errors, carelessness or neglect in making said assessment, or from his failure or neglect to give a proper and particular description of real estate by him assessed.

Compensation of collector.

11. *And be it enacted*, That the collector of the township of North Bergen shall hereafter receive for his services, as collector of said township, two per centum on all moneys by him collected as collector as aforesaid, which shall be in lieu of all other fees whatsoever.

Duty of collector.

12. *And be it enacted*, That it shall be the duty of the collector, of the township of North Bergen, to return the duplicate to the township committee of said township, on the last week day of the month of November, in each year, with a full and correct statement, showing what taxes have been collected by him, and what taxes remain in arrears, and also what disposition he hath made of the moneys by him collected, and he shall produce his vouchers therefor.

Township committee to issue a tax warrant.

13. *And be it enacted*, That it shall be the duty of the township committee, of said township, upon the receipt of the duplicate from the said collector, pursuant to the direction of the preceding section of this act, to issue a tax warrant, to be directed to the collector of arrears of taxes of said township, commanding him to make and collect the taxes of all delinquent tax payers therein named, together with the interest and costs thereon, by distress and sale of the respective goods and chattels of such delinquents respectively, and in case sufficient goods and chattels of any delinquent can not be found in said township to make the tax interest and costs as aforesaid, then to take the body of such delinquent, and forthwith bring him before any justice of the peace of said township, whose duty it shall be to commit such delinquent to the county jail of said county of Hudson; and it shall be the duty of the jailor of said jail to receive the body of such delinquent, and him safely keep until the said tax, interest and costs are paid, or until the same are remitted by resolution of the said township committee.

Delinquent taxpayers to be committed to county jail.

Delinquents to pay additional fee.

14. *And be it enacted*, That the collector of arrears of taxes of said township, shall be entitled to charge and receive two per centum on all taxes by him collected, and in addition thereto, a fee of fifty cents from each delinquent, when the same is collected without distress, and a fee of one dollar from each delinquent when the tax is collected by distress or by arrest; *provided nevertheless*, that in case the said tax is collected by advertisement or sale of lands, then the collector of arrears shall be entitled to receive no other fees thereon except the two per centum above named.

Proviso.

Duty of collector of arrears.

15. *And be it enacted*, That it shall be the duty of the collector of arrears of taxes, at least once a week, to pay over all moneys by him collected unto the treasurer of said township, keeping and rendering a separate account of each different fund collected, and to take his receipt therefor; and it shall also be the duty of said collector of arrears of taxes, to report to the township committee of said township, what taxes he has received and what taxes remain in arrears, and the names of all remaining delinquents, whenever directed so to do by resolution of the said township committee.

Duty of assessor.

16. *And be it enacted*, That it shall be lawful for and the duty of the assessor of said township, to add fifteen per centum to the gross amount of money ordered to be raised by taxation, to pay assessors' and collectors' fees, and to defray the incidental expenses of said township, and the same shall be assessed and collected with the other taxes.

Notice of sale to be given.

17. *And be it enacted*, That it shall be the duty of the township committee of said township, when in case the full amount of any tax assessed upon any lands, tenements or hereditaments in said township, is not paid and satisfied by the second Monday in December in each year, then on that day to give notice of the sale of such lands, pursuant to the terms and directions contained in the eleventh section of the act to which this is a supplement; *provided nevertheless*, that it shall not be necessary to give notice of said sale, as in said eleventh section of said act is specified, for more than thirty days; *and provided further*, that said notice shall specify the time and place, when and where said sale is to be made.

Proviso.

Proviso.

Interest to be added.

18. *And be it enacted*, That interest at the rate of twelve per centum per annum shall be added to all taxes remaining

unpaid after the last Monday of October, in each year, until the same be fully paid and satisfied.

Appointment and compensation of treasurer.

19. *And be it enacted*, That the township committee of said township, shall have power and authority by resolution to appoint a treasurer of said township, and to fix the rate of his compensation; *provided*, the same shall not exceed one and one-half per centum on all moneys by him paid out, the said committee shall also have power and authority as aforesaid, to appoint a collector of arrears of taxes.

Proviso.

Power of township committee to pass ordinances.

20. *And be it enacted*, That the said township committee shall have power in the name of The Inhabitants of the Township of North Bergen, in the county of Hudson, to pass, alter and repeal ordinances, to take effect within the limits of said township, for the following purposes:

To abate nuisances

First, to declare what shall be considered nuisances within said township, and to cause the same to be abated and removed, and to regulate the manner of abating and removing the same;

To establish public pounds.

Second, to establish as many public pounds, and at such places, as they may deem necessary, and to regulate the same, and to fix and regulate the fees to be received by public pound keepers, and to prevent horses, mules, cattle, goats, sheep and swine from running at large within said township;

To fix penalty for violation of ordinances.

Third, to declare and fix the penalty for the violation of any ordinance of said township, which penalty shall be fine or imprisonment in the county jail, or both; *provided*, no fine shall exceed fifty dollars, or imprisonment exceeding the term of ten days.

Proviso.

Justices of the peace empowered to issue a summons or warrant for violation of any ordinance.

21. *And be it enacted*, That any justice of the peace, in and for the county of Hudson, be and he is hereby empowered, on oath, affirmation or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said township of North Bergen, 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 pro-

cess, or at the time to which the justice of the peace shall have adjourned the same, the said justice of the peace shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings, and that the justice of the peace shall, if judgment be rendered for the plaintiff, forthwith issue an execution against the goods and chattels and person of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed ten 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 be made to the township committee of said township, for a remission of any penalty that may be inflicted or adjudged. Proviso. Proviso.

22. *And be it enacted*, That it shall be the duty of the collector of said township forthwith to pay over all moneys by him collected, into the treasury of said township, keeping and rendering a separate account of each different fund collected, and take his receipt therefor; and it shall be the duty of said treasurer to receive all moneys of the said township, and to keep a separate account of each different fund thereof, and to pay out the same only on warrant signed by the chairman of said township committee, attested by the township clerk, excepting school funds; and it shall also be his duty to give a written statement showing the condition of each different fund whenever requested so to do by said township committee. Duty of collector. Treasurer.

23. *And be it enacted*, That the duties enjoined upon the township collector of the township of North Bergen, by an act entitled "An act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, shall hereafter be performed by the treasurer of said township, and that he shall have the same powers, be entitled to the same fees, and be subject to all the provisions in said act contained concerning collectors of townships as to the holding of and disbursing the school funds of the several districts in said township. Treasurer.

24. *And be it enacted*, That the collector of arrears of taxes and the treasurer of said township shall severally before entering upon the duties of their respective offices, Collector of arrears of taxes and treasurer to give bonds.

give bond to the inhabitants of the township of North Bergen, in the county of Hudson, in such sum as the township committee may direct, conditioned for the due and faithful performance of the duty of his office, each signed by two freeholders of said township as sureties, who must justify by making oath in writing that they own real estate in said county of Hudson, equal in value to the penalty expressed in the bond by them signed, over and above all incumbrances.

Members of committee to take oath.

25. *And be it enacted*, That every township committeeman shall, before entering upon the duties of his office, take and subscribe an oath, honestly, faithfully and truly to discharge the duties of his office according to the best of his skill and understanding, which oath may be administered by the township clerk, who is hereby authorized to administer the same, and said oath shall be filed in said clerk's office.

Duty of township committee.

26. *And be it enacted*, That it shall be the duty of the township committee to see that all the laws and ordinances of said township are duly enforced, and to hold all officers of said township accountable for the faithful performance of their respective official duties; and shall, at least once a year, and as much oftener as they deem necessary, audit the books of the collector and treasurer of said township; and the town committee shall be responsible to the inhabitants of the township of North Bergen for all damages or losses resulting from their neglect or carelessness in not holding the officers of said township strictly responsible for the due and faithful performance of their respective duties.

Collector of arrears of taxes held responsible for all arrears, &c.

27. *And be it enacted*, That the collector of arrears of taxes of said township shall be held responsible to the inhabitants of the township of North Bergen for all damages or losses resulting from his errors, carelessness, or neglect in not enforcing the tax warrant, and making true and correct returns of all taxes collected by him, and the said collector of arrears shall return the tax warrant not later than the second Monday of March, in each year, to the town committee, and make a final settlement.

Collector responsible.

28. *And be it enacted*, That the collector of said township shall be held responsible to the inhabitants of the township of North Bergen for all damages or losses resulting from his errors, carelessness or neglect in making true and correct returns of all taxes collected by him.

29 *And be it enacted*, That the collector of taxes, the

collector of arrears of taxes, and the treasurer of said township shall make an annual report to the township committee of said township, which reports shall each contain a particular and separate statement of each different fund by them respectively received, and of the disbursements thereof, and the said reports shall be filed in the township clerk's office on the second Monday of March in each year. Annual report to be made.

30. *And be it enacted*, That all books and papers with any minutes or accounts thereon relating to the business or affairs of the township, and all maps, shall be deemed public property, and the township clerk, the collector of arrears, and treasurer of said township, shall each, at the expiration of his term of office, deliver all books and papers, with such minutes or township accounts therein, and all maps belonging to said township, to the township committee, making oath in writing that they have delivered to the said town committee all books and papers, with any minutes or township accounts thereon, and all maps belonging to said township in their possession, which oath may be administered by the chairman of the town committe, who is hereby authorized to administer the same, and the town committee shall deliver all books, papers and maps belonging to the said township to their successors in office, and in defanlt thereof, each of said officers shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars or imprisonment in the State prison not exceeding two years, or both, at the discretion of the court. Officers to deliver over to their successors all books, papers, &c.

31. *And be it enacted*, That whenever any ordinance shall be passed by the township committee of said township for making any improvement or improvements mentioned in the fourth section of the act to which this is a supplement, all further action which may be necessary to carry out and complete such improvement or work, and all orders relating thereto, may be done by resolution and not by ordinance. Further action in relation to improvements may be done by resolution.

32. *And be it enacted*, That hereafter the township committee of said township shall have power and authority, by resolution at any time after the passage of any ordinance, to lay out and open, or to alter or widen any street or streets, road or roads, avenue or avenues, highway or highways in said township, in pursuance of the fourth section of the act to which this is a supplement, to appoint three disinterested freeholders residents of said township as commissioners, Power to lay out, open, alter or widen any street, road or avenue.

Commissioners to assess damages and benefits.

who shall assess the damages to the owner or owners of any and all lands so taken or to be taken for public use, which such owner or owners shall sustain by reason of the taking and appropriating such lands and real estate for the purposes aforesaid; and in estimating and assessing such damages, the said commissioners shall have due regard, both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof by making such improvement as aforesaid, and after making their award of damages they shall deduct from the same the amount of the estimated benefits, if any, to such owner or owners, and if in any case the commissioners shall estimate the benefits of such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvements, and after such award shall be made the lands and real estate of any such owner or owners shall nevertheless be liable to assessment for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of this act, or the act to which this is a supplement; and that it shall be the duty of the said township committee, upon the written request of any person or persons in any way interested in such improvement or improvements, to appoint said commissioners within ten days from the time of filing such written request with the clerk of said township; *provided*, this shall not be construed to prevent the appointment of commissioners of assessments by said committee without such written request being filed.

Proviso.

Commissioners to take and file oath.

33. *And be it enacted*, That said commissioners of assessments, before entering upon the duties of their office, shall severally take and file with the township clerk an oath in the same form and mannner as is required of commissioners by the sixth section of the act to which this is a supplement.

Commissioners to give notice of meeting.

34. *And be it enacted*, That said commissioners shall give at least ten days' public notice by advertisement in a newspaper published in the county of Hudson, and circulating in said township, of the time and place of their first meeting, and the said commissioners or a majority of them when met, shall have power to issue writs of subpœna ad testificandum to and to examine witnesses under oath to be administered by any of said commissioners, to enter upon and view the premises if they shall deem it necessary, and to adjourn

from time to time, and said commissioners having examined into the whole matter, shall make a just and true estimate and assessment as aforesaid, and shall make their report in writing, accompanied with a map, to the township committee as commissioners of assessment are directed in and by the sixth section of the act to which this is a supplement, whereupon said township committee shall designate a time and place to hear objections to said assessment, and shall cause the township clerk to give notice of the filing of said report, and of the time and place when and where said committee will meet to hear objections to said report, which objections may be presented in writing, and said notice shall be given by publishing the same in a newspaper published in said county and circulating in said township, at least ten days before the time appointed to hear said objections, and at such time and place named in said notice, or at any adjourned meeting thereafter, said committee may ratify and confirm the said assessment, or may return the report to said commissioners to be amended in any particular or particulars named, and said commissioners shall amend their report accordingly and report again, whereupon said committee, without other or further notice to any person, may confirm the said assessment; and the same being so ratified and confirmed by the township committee, shall be binding and conclusive upon the owner or owners of any such lands and real estate to be taken as aforesaid, and upon payment of the damages so assessed to the owner or owners of such land and real estate, the township committee shall cause the same to be converted and used for the purposes aforesaid; *provided*, that any person or persons conceiving himself or themselves aggrieved by the proceedings of said township committee or of said commissioners, may within sixty days from the time of the confirmation of said assessment, apply to the circuit court of the county of Hudson, or to any justice of the supreme court of New Jersey, at chambers, to appoint three disinterested freeholders, residents of said township, commissioners, who within ten days after their appointment, shall take the same oath required to be taken by the commissioners appointed by the township committee as hereinbefore provided, which oath shall be filed with the township clerk as aforesaid, and it shall be the duty of said commissioners appointed by said court or justice to proceed to make a new

To make estimate and assessment.

Committee may confirm assessment.

Assessment to be binding on owners.

Proviso.

assessment of the damages sustained by the owner or owners of the lands taken as aforesaid, after the manner provided for in this act for making such assessments, and who shall in all things for the purposes of such assessment, be vested with the same powers as the commissioners, appointed by the township committee by virtue of this act, and shall file their map and report of such assessment with the township clerk of said township within sixty days after their appointment, which report shall be confirmed by the said township committee, at the next meeting of said committee after the filing of the said map and report, which said report shall be final and conclusive upon all parties interested, and the powers and duties of said commissioners appointed by the said court or justice shall cease and determine upon making their report as aforesaid; *provided, nevertheless*, that any person or persons intending to appeal from the action of the township committee, or commissioners by said committee appointed, to other commissioners to be appointed by the said circuit court or justice of the supreme court, shall file with the township clerk a notice of such intended appeal within ten days after the confirmation of the assessment from which such appeal is intended; which notice shall contain a statement of the particulars in said assessment complained of, and shall also state the time and place when and where application will be made for an order to appoint such new commissioners; which time shall be not less than five days after the time limited for the filing of said notice, and in default of filing such notice as aforesaid, the assessment made in the first instance and confirmed by the township committee shall be final and conclusive, and neither said court or justice shall have power to appoint other commissioners.

Proviso.

Costs and expenses of new assessment to be added to the cost of improvement.

35. *And be it enacted*, That in case the commissioners appointed by said circuit court or justice, shall not alter or change the assessment in the particulars complained of by the person or persons applying for the appointment of commissioners by said court or justice, then the party or parties applying for the appointment of such commissioners shall pay all costs, charges and expenses of such second assessment, and the same shall be deducted from the sum or sums awarded to such owner or owners, by said commissioners, and if the party or parties appealing shall be successful on such appeal, then the costs and expenses of such new assess-

ment shall be added to the costs and expenses of said improvement, and assessed and collected in the same manner as the other costs and expenses of such improvement.

Actions may be brought for nonpayment of damages.

36. *And be it enacted*, That in case of nonpayment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case the first assessment is not appealed from, the person or persons entitled thereto may sue for and recover the same from the township, in an action of debt with costs in any court having cognizance thereof, and the said proceedings of the said commissioners and township committee shall be conclusive evidence against the defendants,

Treasurer to pay owners amount of assessment and damages.

37. *And be it enacted*, That the treasurer of said township shall under direction of the township committee within sixty days from the time of the confirmation of the report of the commissioners appointed by said township committee, tender and pay to the owner or owners of such lands and real estate so taken for public purposes as aforesaid, if residents in said township, the amount of such estimate and assessment of damages due to him or them, but if any such owner or owners is not a resident in said township, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if for any other lawful cause is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make affidavit of such facts and file the same with the township clerk, and the township committee shall, after inquiry into the facts of the case, cause the amount to be placed in the township treasury, or invested on good security for the use of the person or persons to whom it may be due, and the said moneys shall be paid by the treasurer of said township to the person or persons entitled thereto, on demand, with the interest collected on the same; *provided*, that no interest shall be paid to any owner who has refused to accept and sign a proper receipt for the amount of any estimate of damages due such owners when tendered by the treasurer of said township; *and provided further*, that it shall be lawful for the township committee to apply such portion of such moneys so placed or invested as aforesaid, as may be necessary to the payment of the amount assessed for the costs, damages and expenses of the improvement for which

Proceedings in case owner is incapacitated.

Proviso.

Proviso.

such damages were awarded, or to pay the costs, damages and expenses of any other or future improvement, made in pursuance of the act to which this is a supplement, and assessed to the owner or owners of the lands and real estate for whose account the said moneys were so placed in the township treasury or invested as aforesaid.

Township committee may borrow money and issue bonds.

38. *And be it enacted*, That at any time after the confirmation of the assessment of damages made in pursuance of this act, the said township committee shall have power and authority to borrow moneys for the purpose of paying the damages to the owner or owners of lands and real estate so taken or to be taken as aforesaid, and to issue bonds in the name of the inhabitants of the township of North Bergen therefor, which bonds shall bear interest at the rate of seven per centum per annum, and be made payable within two years from the date thereof, and such bonds shall be sealed with the corporate seal of said township, signed by the chairman of the township committee and attested by the township clerk, and shall show upon the face thereof, for what improvement they are issued; *provided*, the aggregate amount of such bonds shall not exceed the aggregate amount of damages assessed to the owner or owners of lands and real estate taken for such improvement.

Proviso.

Costs and expenses to be assessed on lands benefitted.

39. *And be it enacted*, That in order to provide for the payment of the bonds issued in pursuance of the preceding section of this act, and of the costs and expenses of making, carrying out and completing any improvement authorized by the fourth section of the act to which this is a supplement, the township committee shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the several lots, pieces or parcels of lands and real estate benefitted thereby in proportion as nearly may be to the benefit by each lot, piece or parcel of land received.

Appointment of commissioners to make assessments.

40. *And be it enacted*, That the township committee shall appoint three disinterested freeholders resident in said township, commissioners to make such assessment, unless in the acts and proceedings of said committee taken for the purposes of carrying out said improvement or work, commissioners shall have been appointed by said township committee to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work, in

which case the same commissioners appointed as aforesaid shall be the commissioners to make the assessment of the whole amount of the costs, damages and expenses of such improvement or work in the manner herein required.

Duty of commissioners.

41. *And be it enacted*, That the said commissioners shall proceed to make such assessment and report to the township committee, and the said township committee shall proceed and act thereon in manner and form as directed and provided in and by the sixth section of the act to which this is a supplement; and that such assessment made and confirmed as aforesaid, shall be a lien upon the lands so assessed, and shall be collected and enforced in manner and form as directed and provided in and by the sixth section of the act to which this is a supplement.

Assessments made and confirmed to be a lien on lands.

Vacancies, how filled.

42. *And be it enacted*, That in case of the death, resignation or removal of any officer or commissioner, appointed by said township committee by virtue of this act, or the act to which this is a supplement, said committee shall have power, by resolution, to appoint another suitable person to fill such vacancy, and that all other vacancies in office shall be filled as heretofore.

Repealer.

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

Approved April 6, 1871.

CHAPTER DXXVIII.

An Act to Prevent Depredations by Excursion Parties.

Preamble.

WHEREAS, It is the custom of steamboats and other vessels to convey excursions or picnic parties from Philadelphia and other places, and of landing the same in large numbers, in the townships of Woolwich and Greenwich and Deptford, in Gloucester county; AND WHEREAS, such parties commit great depredations on the premises and property of the inhabitants of said township, and if resisted and remonstrated with, they threaten with violence, and

have actually assaulted some of the inhabitants; AND WHEREAS, from their numbers, their lawless and violent character and facility to escape, it is impossible for the civil authorities to arrest and bring them to justice; therefore,

Owners of steamboat liable for damages done by excursion parties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any owner or owners of any steamboat or other vessel, who shall land or disembark any such excursion or picnic party, on the shores of the Delaware river, within the county of Gloucester; or on the shores of any of the creeks of said county, shall, whenever such excursion or picnic party commits any trespass on the premises, or damage to the persons or property of the residents of said county, forfeit and pay the sum of ten dollars for each person committing such offence or offences; and such owner or owners shall also be liable for all damages by such excursion or picnic parties so committed; which said forfeitures and penalties together with the amount of damages committed shall be recovered before any justice of the peace, or other magistrate of the county of Gloucester, in an action of trespass.

Penalties collected to be paid to township committee.

2. *And be it enacted*, That all such forfeitures and penalties as may be collected, shall, after paying the expenses incurred, be paid over to the township committee of the township in which the offence or offences were committed, and said committee shall use the same to reimburse any resident of such township, so far as may be, for any damage sustained by him or her, from such excursion or picnic party, and the balance of the fund accruing from such penalties shall be appropriated to the school fund of such township.

Duties of justice of peace.

3. *And be it enacted*, That it shall be the duty of all the justices of the peace, or any other magistrate of Gloucester county, to proceed against any owner or owners of such steamboats or vessels, for any and all violations or infringements of this act, and to pay over any forfeitures or penalties so recovered, less the cost of the proceedings as directed in this act.

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

Approved April 6, 1871.

CHAPTER DXXIX.

A Supplement to an act entitled "An Act to re-organize the Civil Government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the next organization of the board of aldermen of Jersey City, the mayor shall nominate to said board three suitable persons from each aldermanic district of said city, as commissioners of public schools, and upon such nominations being severally confirmed by the vote of a majority of the members elected to said board, he shall be a commissioner of public schools, to serve until the nomination and confirmation of a successor; one of the members from each of said districts shall hold his office for one year, one for two years, and one for the full term of three years; and the members from each of said districts shall, within ten days after their confirmation as aforesaid, determine by lot who of them shall hold office for each of said terms; and the mayor shall nominate to the board of aldermen, at their first regular meeting after the first Monday in May, eighteen hundred and seventy-two, and each year thereafter, one commissioner of public schools from each of said districts, who shall hold office for the full term of three years; and if a vacancy shall occur in said board, such vacancy shall be filled in the same manner, and the person so nominated and confirmed shall hold office for the unexpired term only. Appointment and term of office of commissioners of public schools. Vacancy, how filled.

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

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

Approved April 6, 1871.

CHAPTER DXXXI.

A Supplement to an act entitled "An act to incorporate the town of Harrison," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement, be amended by striking out all that part thereof which follows the words "be it enacted," and beginning with the words "that the officers," and which concludes with the words "the treasurer shall receive fifty dollars per annum," and by inserting the following words in place thereof: "that the officers of said town shall consist of said councilmen, a town clerk, who shall also be the clerk of election, one assessor, a collector of taxes, one treasurer, one judge of elections, one or more constables, two justices of the peace, one overseer of the poor, two pound keepers, one freeholder—commonly called a chosen freeholder—three commissioners of appeal in cases of taxation; all of which officers shall hold their offices for the term of one year, except councilmen and the town clerk, who shall serve two years; but on the first election three councilmen shall be elected for two and three for the term of one year, and on the following annual town meetings thereafter there shall be elected three councilmen to serve in their office for the term of two years each; the councilmen shall receive no salary for their services, but shall render their services to the town without pay; the town clerk shall receive one hundred dollars per annum; the assessor one hundred dollars per annum; the collector of taxes fifty dollars per annum; the collector of arrears of taxes shall receive five per centum on all taxes collected by him upon real and personal property; a constable of said town shall always serve as collector of arrears; the treasurer shall receive one hundred dollars per annum."

Amendment.

2. *And be it enacted*, That the thirteenth section of said act be amended by striking out the words "of a justice,'

and inserting in their place the words "for justices," and by adding to said thirteenth section the words "provided only that two justices of the peace shall be annually elected for said town, instead of one justice of the peace as heretofore."

Amendment.

3. *And be it enacted*, That section eighteen of said act be amended by striking out the words "the justice," wherever in said section they occur, and inserting in their place the words "one of the justices."

Amendment.

4. *And be it enacted*, That section twenty-third of said act be amended by inserting the clause following, after the word "dedicated," in the twelfth line of said section: "to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance; to prescribe the manner in whch the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading or paving streets;" and by striking out the words "inns or taverns," and inserting in their place the words "inns, taverns and saloons;" and by striking out the words "and no other license for such purposes within said town, granted by the governor to hawkers and pedlers," and inserting in their place the words "and it shall not be necessary for said hawkers and pedlers, on obtaining such license from the councilmen, to obtain from the governor of this state any license to enable them to carry, sell and expose their goods, wares and merchandize within the limits of said town;" and by striking out the words "the justice," and inserting in their place the words "one of the justices;" and by striking out the words "five dollars," and inserting in their place the words "twenty-five dollars."

Amendment.

5. *And be it enacted*, That the twenty-fourth section of said act be amended by striking out the word "open," in the fifth line thereof, and by striking out the words "and shall assess such estimated cost upon the said lands fronting upon said improvements, and report the names of the owners of the lots or parcels," and inserting in their place the words following: "and shall assess such estimated costs upon the lands and real estate lying and being on the line of said street, road or avenue, or any part thereof, in proportion to the benefit received by said lands and real estate, and report

the names of the owners of said lands and real estate so benefitted."

Amendment. 6. *And be it enacted*, That the twenty-fifth section of said act be amended by striking out all that part thereof which follows the words "be it enacted," commencing with the words "that all expenses," and which concluded with the words "fronting upon the improvement so applied for," and inserting in their place the words following: "that all expenses and costs of proceedings for improvements in laying out, opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and paving streets, roads and avenues, and repairing the same; for flagging, planking, filling and refilling, laying and relaying sidewalks, and for setting and resetting curb and gutters, and bridge stone and bridging; and for building drains and sewers, when the same shall be completed shall be assessed by the three said commissioners upon the lands, and paid by the owners of the land and real estate lying and being upon the line of said street, road or avenue, or any part thereof."

Amendment. 7. *And be it enacted*, That the twenty-sixth section of said act be amended by striking out all that part thereof which follows the words "be it enacted," commencing with the words "that all repairs," and which concludes with the words "shall consider the said repairs to be necessary," and inserting in place thereof the words following; "that whenever the said councilmen shall consider it necessary to repair the carriage ways of any street, road or avenue of said town, (said repairs not having been applied for in the manner provided by the twenty-fourth section of this act;") and that said twenty-sixth section be further amended by striking out the words "and any road assigned to the overseer of the highway shall be subject to such regulation and ordinances as the councilmen shall see fit to adopt."

Amendment. 8. *And be it enacted*, That the twenty-ninth section of said act be amended by striking out all that part thereof which follows the words "be it enacted," commencing with the words "that the legal," and which concludes with the words "plurality of votes," and inserting in place thereof the words "that the councilmen shall have power and authority to raise and apply;" and by striking out all that part of said section which follows the words "roads and highways."

9. *And be it enacted*, That the thirtieth section of said act

be amended by striking out the words "in addition to such sum or sums as may be authorized by the people at any town election held in pursuance of the provisions of this act; and by striking out the words "one thousand," and inserting in their place the words "two thousand." Amendment.

10. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed. Repealer.

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

Approved April 6, 1871.

CHAPTER DXXXII.

A Further Supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, and until otherwise provided by law, there shall be elected in and for said city of Hoboken, one city assessor and one collector of revenue, who shall be residents of said city, and who shall be elected at the same time, and in the same manner, and for the same term as the mayor and city clerk are elected. Election of city assessor and collector.

2. *And be it enacted*, That the city assessor elected under the provisions of this act shall be liable to the same penalties and shall have the same powers and shall perform the same duties as heretofore have been had and performed by the ward assessors in said city, and in addition thereto he shall have power to appoint and remove at pleasure as many assistant assessors as he may deem necessay; *provided, nevertheless*, he shall pay such assistants by him appointed out of his own funds, and they shall have no claim against the said city for any compensation whatever; *and provided, also*, that the said city assessor shall be responsible to the mayor and council of the city of Hoboken for the negligence or misdemeanor in office of all or any of his said assistants. Power and duties of assessor. Proviso. Proviso.

3. *And be it enacted*, That the city assessor shall, before entering upon the duties of his office, take and subscribe an

Oath of assessor.

oath or affirmation in the following form, to wit: I, ———, do solemnly and sincerely promise and swear (or affirm) that I will truly, faithfully, honestly and impartially, value and assess the ratable estate in the city of Hoboken, in the county of Hudson, and that in making such valuations and assessments I will, to the best of my knowledge and judgment, observe the directions of the law respecting the same, and I will make a true return of all such assessments to the county board of assessors, at their meeting by law required to be held.

Vote in county board.

4. *And be it enacted*, That in the county board of assessors at any meeting thereof, the assessors of the city of Hoboken shall, in determining any question, have one vote for each and every ward in the city of Hoboken.

Compensation.

5. *And be it enacted*, That the city assessor shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act.

Powers and duties of collector.

6. *And be it enacted*, That the collector of revenue of the city of Hoboken, elected under and by virtue of the provisions of this act, shall be liable to the same penalties, shall have all the powers, and shall do and perform all the duties heretofore had, done and performed by the collector of taxes, the collector of arrears of taxes, and the collector of assessments in the city of Hoboken; and that all ordinances of "The Mayor and Council of the city of Hoboken," now in force, prescribing the duties or regulating the conduct of the said collector of taxes, collector of arrears of taxes, and collector of assessments, shall apply to and be binding upon the said collector of revenue until the same be altered or repealed.

Collector to make monthly reports.

7. *And be it enacted*, That in addition to his other duties it shall be the duty of the collector of revenue to countersign all warrants for the payment of money issued by the mayor and council of the city of Hoboken, and to keep an account in a book to be provided for that purpose, wherein each warrant shall be charged to the particular fund upon which it is drawn, and on the first Monday of every month he shall send to the council a report in writing, showing the amount of appropriation and the amount of actual cash in the hands of the city treasurer belonging to each particular fund, and also the total amount of warrants that have been

drawn on each particular fund, and also the balance of each particular fund remaining unappropriated.

Collector to give bonds.

8. *And be it enacted*, That the collector of revenue shall, before he enters upon the duties of his office, give bonds to the city in its corporate name, in such sum and with such freehold security as the mayor and council may approve, conditioned for the true and faithful performance of the duties of said office.

Compensation.

9. *And be it enacted*, That the collector of revenue shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act; except that he shall also receive an allowance of five per centum upon all arrears of poll taxes and taxes on personal property collected by him after the twentieth of December in each year.

Vacancy, how filled.

10. *And be it enacted*, That should there be at any time a vacancy in the office of assessor or collector of revenue, from disability or otherwise, the mayor shall have power to fill the vacancy until the next ensuing election; *provided*, that any person so appointed shall give bonds, and shall be subject to the same regulations and ordinances as would have applied to the person elected under this act.

Proviso.

Compensation of city physician.

11. *And be it enacted*, That the city physician shall be ex officio the health warden of said city, and shall be entitled to receive a salary of one thousand dollars per annum, payable quarterly, which sum shall cover his compensation as city physician and health warden, and shall include the cost of furnishing all medicines necessary for the use of poor patients; and he shall also be subject to such rules and regulations as the mayor and council may by ordinance prescribe.

May raise money and issue special improvement bonds.

12. *And be it enacted*, That for the purpose of improving, filling up, grading or widening streets, or making brick sewers in said city, on the application of a majority of the lots on the line of such improvement at any time after such improvements are, in accordance with law, directed to be made, the council shall have power to raise money for the purpose of paying for such improvement or improvements, and secure the payment of the same, with legal interest thereon, by issuing special bonds, to be signed by the mayor and sealed with the corporate seal of said city, attested by

the city clerk; which improvement bonds shall be made payable at a period of time not less than three nor more than ten years from the date of their issue, which said bonds shall not carry the general credit of the said city, but shall be secured by a lien hereby created on the property to be assessed for any such improvement and on such property only.

Money borrowed not to exceed two-thirds of cost of improvement.

13. *And be it enacted*, That in raising money, as provided for in the preceding section of this act, the amount borrowed for any particular improvement shall not exceed two-thirds of the entire cost of such improvement when completed, and the assessments made for such improvement or improvements shall be paid by instalments, at such times and in such manner as the council shall, by resolution, direct; and such assessment or assessments shall remain a lien upon the lot or lots assessed, until the same is fully paid and satisfied; and that for the non-payment of any instalment, or for the non-payment of interest thereon at the time or times designated for such payment, any lot or lots may be sold in the same manner that lots are sold for the non-payment of an entire assessment.

Assessment to remain a lien.

Lots may be sold for non-payment of assessments.

Bonds, when to be issued.

14. *And be it enacted*, That the council shall not issue bonds to raise money, as above provided, for special improvements unless petitioned so to do by the owners of the lots, who are to bear two-thirds of the expenses of such improvement; and the owner of any lot assessed, in case bonds have been issued to pay for such improvement, may pay the said assessment, or any part thereof, before the same becomes due; *provided*, the instalments so paid shall not be less than fifty dollars, except the last payment, which shall be the balance remaining unpaid; and when the assessment on any lot or lots is fully paid, such lot or lots shall be immediately relieved from all lien or encumbrance of the said assessment.

Proviso.

Assessments for improvements to bear interest.

15. *And be it enacted*, That the bonds to be issued to raise money for improvements as aforesaid, shall be sold by said city at a rate not less than ninety per centum of their par value, and the assessments for such improvements shall bear interest from thirty days after the confirmation thereof until paid, at the rate of eight per centum per annum for the first year, nine per centum per annum for the second year, ten per centum per annum for the third year, eleven per centum per annum for the fourth year, twelve per centum

per annum for the fifth year, and fifteen per centum per annum for each succeeding year.

Improvements in certain streets to be included in this act.

16. *And be it enacted*, That the improvements in Second, Thirteenth and Ferry streets, and in such other streets as are now in process of improvement, shall be included in the provisions of the four preceding sections of this act.

Appointment and term of office of board of commissioners of assessments.

17. *And be it enacted*, That hereafter the mayor shall nominate and the council shall confirm a board of commissioners of assessments, which board shall consist of three commissioners, who shall be residents and freeholders of said city, who shall each take and subscribe an oath, honestly, faithfully and impartially to discharge the duties of said office of commissioner of assessments, and who shall hold their office for one, two and three years from the first Monday of May next; and the mayor shall, at the time of making such nominations, designate which shall hold office for the long, and which for the short term; and that whenever a vacancy in office shall occur by expiration of the term of office, or otherwise, such vacancy shall be filled by nomination by the mayor and confirmation by the council as aforesaid; *provided*, that every person appointed to fill a vacancy occurring otherwise than by expiration of term of office, shall hold office for the unexpired term only, and persons appointed to fill a vacancy occurring by expiration of term of office, shall hold office for three years thereafter; *and, provided also*, that in case any one or more of the said board of commissioners shall be interested in any assessment, then the mayor and council shall, in such case, appoint some disinterested and impartial freeholder or freeholders, residing in said city, to serve with such board on such assessment in lieu of the commissioner or commissioners so interested; and that the compensation of said commissioners shall be determined by ordinance of the said council; which board of commissioners of assessments shall make all assessments hereafter to be made for improvements in said city in the manner directed in the act to which this is a supplement, and the several supplements thereto, except where commissioners of assessments for any improvement have already been appointed; and also excepting cases where an assessment is or shall be set aside by the judgment or order of the supreme court, in which case said court shall appoint commissioners to make a new assessment, as heretofore.

Vacancy, how filled.

Proviso.

Proviso.

18. *And be it enacted*, That at the next charter election,

Election and term of office of tax commissioners.

and on each succeeding charter election, two persons shall be elected as tax commissioners in each ward of said city, who shall be freeholders and electors of the ward in which they are elected; and no ballot shall contain more than one name for the office of tax commissioner; and in case any ballot should contain more than one name for said office, the first name only shall be counted; and the tax commissioners so elected in the various wards shall meet on the second Monday of May, of each year, at a place to be designated by the council, and shall constitute the board of tax commissioners; they shall elect or appoint a chairman and secretary from their own numbers, and they, or a majority of their whole number, shall fix the amounts of money to be raised by taxation for the current year, for the following purposes, to wit: for the support of the fire department, the police, public schools, water department, repairing and cleaning streets, improving public grounds, lighting the streets and public buildings, erecting and keeping in repair such public buildings as may be needed for city purposes, militia, salaries of city officers, supporting the poor and for such other purposes as may be necessary to carry on the city government; which sums so ordered to be raised by taxation shall be certified in writing, attested by the chairman and secretary of said board, and filed in the city clerk's office on or before the first of June next following the charter election, and the tax ordinance shall contain the amounts in said certificate specified and directed to be raised.

Power to fix amount of money to be raised for certain purposes.

Mayor and council to pass ordinances

19. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to pass, alter and repeal ordinances to take effect in said city for the following purposes: to provide for the removal of the surface water upon all lots in said city lying south of Eighth street and west of a line drawn one hundred feet west of the westerly line of Willow street, and for imposing an annual tax upon such lots at a rate not exceeding five dollars for each lot of twenty-five hundred square feet for the purpose of paying the expense thereof; which tax shall be levied and collected at the same time and in the same manner, and under the same regulations as other taxes on real estate in said city, to declare certain limits within which any sunken lot or lots covered with stagnant water shall be deemed a nuisance; and in case any lot or lots within the limits so declared by ordinance are not filled in to the actual grade

of the street in front thereof, by the owner or owners thereof, within thirty days after the service of a copy of said ordinance on him, her or them, which notice shall be served personally on such owner or owners, if resident in said city, and if not resident in said city, by mailing a copy of said notice, directed to such owner or owners, at the post office nearest his, her or their abode, if the same can be ascertained, and in case the same cannot be ascertained, by fixing up a copy of said notice on such lot or lots; that then it shall be lawful for the mayor and council, by resolution, to direct the street commissioners to cause all such lots to be filled in to the said grade, with sound and wholesome material, who shall keep an accurate account of the cost and expense of filling each lot so filled in, and shall file a certified statement thereof, verified by oath or affirmation, in the city clerk's office, which shall be recorded by the city clerk in a book to be provided for that purpose, and the cost and expense of filling each lot shall constitute and remain a lien thereon from the time of filing said statement until the same is fully paid and satisfied; and in case the same is not paid within one year from the time of filing said statement, such lot or lots may be sold for the shortest time that any person will take the same and pay for said filling, in the same manner as lands are or may be sold for the non-payment of assessments; *provided*, that the owner or owners thereof may redeem the same at any term within two years, by paying the costs and expense of said filling, the costs of sale, and interest on the whole amount at the rate of fifteen per centum per annum. Proviso.

20. *And be it enacted*, That the mayor and council shall hereafter, in advertising for proposals for the improvement of any streets or the construction of any sewer in said city, annex to said notice for proposals, and publish therewith, a full, true and correct copy of the specifications for such improvement. Specifications for improving streets or constructing sewers to be published with notice.

21. *And be it enacted*, That section five of the "Supplement to an act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five, which supplement was approved April fourth, one thousand eight hundred and sixty-seven, be amended by adding at the end of the said section the following words: "*provided*, that such proceedings and such other matters and things as are required by the charter, or any supplement Amendment. Proviso.

thereto, to be published, shall be published daily in one of the said newspapers."

Repealer.

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

Approved April 6, 1871.

CHAPTER DXXXIII.

An Act to authorize the inhabitants of the township of Greenwich, in the county of Cumberland, to raise money by taxation for the purpose of erecting a public hall.

Preamble.

WHEREAS, the inhabitants of the township of Greenwich are desirous of erecting a suitable hall for the transaction of public business, and for other purposes, and did at their last annual town meeting resolve to petition the Legislature of New Jersey for an act to authorize them to levy by tax a sum of money sufficient for said purpose; therefore,

Authorized to raise money to build a public hall.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the inhabitants of the township of Greenwich, in the county of Cumberland, at their next ensuing or at any subsequent annual town meeting, to raise such sum or sums of money as may be necessary for the purpose of building a public hall, and the money so voted to be raised shall be assessed and collected as all other moneys are assessed and collected for township purposes.

Money, how used.

2. *And be it enacted*, That the amount of money thus assessed and collected shall be paid by the collector of the township to the township committee, to be used by them, or their successors in office, in the name of the township, in carrying out the objects and purposes mentioned in this act, and for no other.

3. *And be it enacted*, That it shall be lawful for the township committee of the said township of Greenwich, at

their discretion, to unite with the trustees of the first school district of said township in the purchase of land and the erection of a building thereon, one part thereof to be used for school purposes by the said school district, and one part for a public hall by the said township, and to be under the joint control of the trustees of the said school district and the township committee of the said township; the expenses of the purchase of the land and the erection of the said building, to be paid equally by the said school district and the said township. Trustees may unite and purchase land, and to erect a building.

4. *And be it enacted*, That all acts and proceedings of the inhabitants of the township of Greenwich, in said county of Cumberland, that have been done or taken at any town meeting previous to the passage of this act, to raise money by taxation for the purposes mentioned in this act, or for purposes relating thereto, are made legal and valid in all respects, and binding upon the inhabitants and taxable property of said township. Former acts and proceedings are legalized and made valid.

5. *And be it enacted*, That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 6, 1871.

CHAPTER DXXXIV.

A Further Supplement to an act entitled "An act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the township of Montclair," approved April fifteenth, one thousand eight hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for every offense, committed against the first section of an act, supplementary to the act to which this act is a supplement, which supplementary act was approved March eighth, one thousand eight hundred Penalty for violation of first section.

and seventy, the offender shall forfeit and pay the sum of ten dollars.

Action of debt may be brought.

2. *And be it enacted*, That said penalty may be sued for, and recovered and enforced, by action of debt brought before any justice of the peace of said county, in the name of the inhabitants of the township of Montclair, against such offender, such penalty to be appropriated to the overseer of the poor of said township for the benefit of the poor thereof.

Judgement for costs to be given.

3. *And be it enacted*, That the process, pleadings and proceedings in such action shall be according to the requirements of the act for the trial of small causes in action of debt; that judgment shall be given for the costs of each action against the unsuccessful party, and that no requirements of any act, or of the common law specially regulating penal actions or action by common informers, shall apply to suits instituted by virtue of this act.

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

Approved April 6, 1871.

CHAPTER DXXXV.

An Act appointing Commissioners in School District Number Two, of South Amboy township, Middlesex county, for the purpose of purchasing ground and erecting a school house thereon.

Board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ward C. Perrine, Robert H. Rathburn, Joseph Capner, Noah Furman and Abraham Everett, and their successors, residents of the said township of South Amboy, are hereby appointed, constituted and declared to be a board of commissioners, for the purposes and with the power hereinafter defined and granted.

Power to purchase lands and to erect a school house.

2. *And be it enacted*, That said commissioners or a majority of them, shall have power and authority, and are hereby empowered to expend a sum not exceeding ten thousand dollars for the sole and exclusive purpose of purchasing

a suitable plot of land within the limits of school district number two, of said township of South Amboy, and for erecting thereon a public school building, with the necessary outbuildings and fences, and for providing the necessary furniture and apparatus, and a well and cistern, and for paving and flagging so much of the ground and walks as may be deemed desirable; and in order to provide the said sum of ten thousand dollars, it shall and may be lawful, and the township committee of said township of South Amboy, are hereby authorized, empowered, required and directed, whenever called upon by a majority of the board of commissioners herein constituted and appointed, to issue the bonds of said township, in such sums, and at such times, as the said board of commissioners or a majority of them, may direct, the said bonds when issued to be disposed of at not less than their par value by the said board of commissioners for the aforesaid purposes.

May issue bonds, &c.

3. *And be it enacted*, That said bonds shall bear interest at the rate of seven per centum per annum, payable annually, and shall be divided into five classes of equal amount, one class to run for one year, one for two years, one for three years, one for four years, and one for five years, and shall be paid by the township committee with the interest, at maturity; and all the said bonds shall be exempt for county and township purposes.

Bonds to be divided into classes, and exempt from taxation.

4. *And be it enacted*, That the said township committee shall have power and authority, and they are hereby directed to provide for the payment of said bonds, and the interest thereon as the same shall become due and payable, by taxation on the real and personal estate within the limits of the said school district, in the same manner as township taxes are raised.

Taxes, how raised.

5. *And be it enacted*, That the said township committee shall have power, if they deem it expedient, to make a sale and conveyance to said commissioners for the purposes of this act, of the public park situated and being in said school district, and bounded by Stevens avenue and Clinton place, and George and John streets, or so much and such part thereof as may be deemed necessary.

May sell public park.

6. *And be it enacted*, That the said board of commissioners shall assemble on the first Monday in April next, at two o'clock in the afternoon, and at such times thereafter as they shall deem necessary; and at their first meeting they shall organize the

Meeting of board of commissioners.

board by electing a president, secretary and treasurer, and a majority of said commissioners shall constitute a quorum for the transaction of business, and they shall make such rules and regulations as may be necessary to govern said board; before proceeding to business each of said commissioners shall take and subscribe an oath before a justice of the peace of said county, to faithfully and impartially execute the duties imposed upon them by the provisions of this act, according to the best of their knowledge and ability; any vacancy that may occur by reason of death, resignation, or otherwise, shall be filled by a majority of said commissioners.

Vacancy, how filled.

Limitation.

7. *And be it enacted*, That the power of said commissioners shall cease on the first day of April one thousand eight hundred and seventy-four.

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

Approved April 6, 1871.

CHAPTER DXXXVI.

A Supplement to an act approved March twenty-ninth, one thousand eight hundred and seventy-one, and entitled "A further supplement to an act to improve Paterson avenue from the westerly line of the Paterson plank road to the Secaucus road; and the Secaucus road from Paterson avenue to Pen Horn's creek, in the county of Hudson, approved April first, one thousand eight hundred and sixty-nine."

Improvements to be made on application of majority of land owners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the improvements authorized and provided for in section five of the act to which this is a supplement, approved March twenty-ninth, one thousand eight hundred and seventy-one, shall be made upon application in writing of a majority of the land

fronting upon the improvements therein authorized, and not otherwise.

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

Approved April 6, 1871.

CHAPTER DXXXVII.

A Further Supplement to an act entitled "An act to divide the township of North Bergen in the county of Hudson," passed February twenty-eighth, one thousand eight hundred and sixty-one, erecting the township of West Hoboken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Hudson beginning at the intersection of Herman street and the Hackensack turnpike, following the centre of the Hackensack turnpike northerly to the intersection of the northerly line of Lossburg; thence westerly along said northerly line to the easterly line of Palisade avenue; thence northerly along the easterly line of Palisade avenue to the centre of the Hackensack turnpike; thence westerly along said centre line to the centre of the Bergen Wood road; thence southwesterly along the centre of the Bergen Wood road to a point where the same intersects Paterson avenue; and thence along the lines and in the several courses designated in section one of the act to divide the township of North Bergen, approved February twenty-eighth, one thousand eight hundred and sixty-one, to the point or place of beginning, shall be called and known by the name of the township of West Hoboken, in the county of Hudson. Boundaries.

2. *And be it enacted*, That the officers of the township shall consist of five township committeemen, a treasurer, a township clerk, one engineer in chief of the fire department, an overseer of the poor, three school trustees, a street commissioner, one or more township surveyors, one assessor, one collector of taxes and arrears of taxes, five constables, two Officers.

pound keepers, three commissioners of appeal, three judges of election, one chosen freeholder.

Annual election.

3. *And be it enacted*, That the annual town election shall be held on the second Tuesday in April, in each year, and the said election shall be held at such place as the township committee shall designate, and the election shall be held and conducted by the judges of election in the same manner and at the same hours, and under the same regulations in all things as prescribed by law for State elections for members of the Legislature.

Election of officers and term of office.

4. *And be it enacted*, That the township committee, township clerk, overseer of the poor, assessor, collector of arrears and taxes, constables, pound keepers, commissioners of appeal, judges of election, school trustees, and street commissioner shall be elected by the people at their annual spring election, and shall hold their office for the term of one year from the date of their being inducted into their respective offices, except the township committee and school trustees, whose terms of office are to be as hereinafter provided for.

Election and compensation of township committee.

5. *And be it enacted*, That five township committeemen be elected at the ensuing spring election; three for the term of one year and two for the term of two years, to be so designated on each ballot, and each year thereafter, one of these classes to be elected alternately for two years, and shall receive in full compensation for their services, the sum of two dollars for each session, and they shall, for the purpose of organization, meet at the town hall in said township on the third Wednesday in April, of each year, and they shall thereupon elect from among their own number a chairman and treasurer.

School trustees.

6. *And be it enacted*, That the school trustees shall be elected at the same time and in the same manner as other township officers are elected, and are to serve three years, in classes of one annually, and that hereafter the terms of those holding over shall expire on the second Tuesday of April of the year following for which they were elected.

Treasurer and collector to give bonds.

7. *And be it enacted*, That the township treasurer who shall be appointed by the township committee, the collector of taxes and arrears of taxes, and such other officers as the township committee may require shall, before they enter on the duties of their office, give bonds to the township in its corporate name in such sums and with such securities as the

township committee may approve for the faithful performance of their duties.

8. *And be it enacted*, That the town committee shall have power to pass, alter and repeal ordinances to take effect within said township for the following purposes: Town committee may pass ordinances.

I. To manage, regulate, control and protect the finances and property of the township and for the maintaining a town hall, school houses, a township lockup, and such other buildings as may be necessary for the objects of this charter: To regulate finances.

II. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; such police force shall hold office during good behavior, and shall be removed only upon charges of dereliction of duty, duly made and proven by sworn testimony before said township committee; and may consist of five patrolmen and one superintendent of police, which said police shall have authority and are hereby empowered to make arrests with or without warrant, and convey the person so arrested to the police station for examination, the salary of the patrolmen not to exceed eight hundred dollars each, and that of the superintendent not to exceed one thousand dollars per annum; and that the township committee are hereby authorized to order an assessment sufficient for this purpose: Police. Compensation.

III. 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 engine houses, fire engines and apparatus, and for the purpose of guarding against fires 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 manufacture and keeping of gunpowder, fireworks and other dangerous and combustible articles; and to provide water for the extinguishment of fires. Fire department.

IV. To provide for the abolishing of the office of fire trustees; all the property held by them and under their control, shall be vested in the township committee. To abolish fire trustees.

V. To provide that the chief engineer of the fire department and assistant engineer be elected annually on the first Monday in May of each year; the active and exempt fire- Chief engineer.

men connected with the department shall alone be qualified as electors; the chief engineer may be an exempt fireman, and the assistant shall be an active fireman, both officers to be elected from persons connected with the department; the salary of the chief engineer to be one hundred and fifty dollars per year, payable quarter yearly, which shall be paid out of moneys raised for fire purposes; the chief engineer to have sole control and supervision of the fire department and apparatus under such ordinances as the town committee shall from time to time adopt;

Lighting of streets.

VI. To provide for the lighting of the public streets and avenues with gas or oil in such places as they, in their judgment may think necessary, the payment and cost of the same to be included in the annual tax, and be a general tax upon the property of the township.

To lay out streets and make improvements.

VII. That it shall be lawful for the township committee by ordinance, to provide for the taking of land and the improvements thereon for laying out, opening, altering, widening, filling up, grading and altering the grade of, re-filling, macadamizing, guttering, curbing, bridging, planking, graveling and paving the streets, roads and avenues, or any part thereof, in said township, and also for flagging or planking the sidewalks and for repairing, filling, refilling and relaying the sidewalks, and for repairing and re-setting the curb and gutters and bridge stones and bridging, and for building drains and sewers, on the application in writing to the said township committee by some of the owners of the lands adjoining the street or streets over which such improvements are to pass; that upon any such application the township committee shall immediately thereafter, by resolution, direct the township clerk to

Petition to be advertised.

advertise the said petition for two weeks, once in each week successively, in a newspaper published in Hudson county and circulating in said township, and to post copies of said petition in five of the most public places in said township, designated by the township committee, for ten days; the clerk shall also publish and post as above, a notice stating that objections in writing to said proposed improvements may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall not be less than ten days after the date of the first publication in said newspaper; said clerk shall also serve, or cause to be served, a

like notice on the owners of property residing along the route of said proposed improvements, by leaving such notice at such residence with any person thereon, at least five days previous to the meeting of said township committee; but said notice need not be served on any owner of property not residing along the route of said proposed improvements; at the expiration of said time designated for publishing and posting, the township clerk shall file in his office a copy of said petition and notice, with an affidavit annexed thereto, showing that the same have been published and posted as required by law; at any time after the expiration of the time named in said notice, the township committee may forthwith proceed to pass an ordinance for said improvement, unless the owners of a majority of the property along the route of the proposed improvement object thereto, in which case all costs and expenses incurred by the township committee in such proceedings shall be repaid to the township by the petitioners for such improvements, and the township committee may make such regulations touching the receiving any petitions, and the proceedings thereon, and security for the expenses thereof, as they may deem proper; the ordinance may be introduced and passed at the same meeting, and it shall be valid if it describes in general language the improvement authorized by the township committee, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the township clerk shall publish and post a printed copy of said ordinance in the same manner and for the same time he is required to publish and post the petition for the improvements described therein, and in like manner, at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of said ordinance, with an affidavit annexed thereto, showing that the same has been duly published and posted; at any time after the passage of said ordinance the township committee may direct the township clerk to advertise for proposals for said improvements in a newspaper to be designated by said township committee, and the township committee may at any time after the expiration of the time for publishing and posting said ordinance, enter into a contract with any person or persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the township committee,

Notice to be served on owners.

May pass ordinance for said improvement.

How passed.

Clerk to advertise for proposals.

but the township committee shall be under no obligation to accept the lowest bid, and may reject all bids if they shall deem it best for the interest of the township; and in case of rejecting all proposals received, they shall again advertise for proposals, and proceed in all things as if no proposals had been offered; the township committee shall require the party who enters into the contract to give a bond with ample freehold security for the due performance thereof; after the completion of the said improvement all the costs and expenses thereof shall be determined and assessed by three commissioners, on all the lands and real estate fronting thereon, except the intersections, which shall be assessed in the adjoining or intersecting streets, roads or avenues to the extent of half a block on each side of said streets or avenues, and except the costs of land and improvements thereon taken for opening streets, which shall be assessed on all the lands benefitted thereby, but such assessment shall not extend to lands or real estate situated more than half a block on each end of said new street, or on each or either side of said new street along the intersecting streets, in proportion to the benefit received by said lands and real estate, and except the drains and sewers, which shall be assessed by the said commissioners upon the lands benefitted thereby; the said commissioners shall be appointed by resolution of said town committee as soon as possible after the letting of the contract for said work; the said commissioners shall before they enter upon the performance of their duty, file with the township clerk an affidavit which they may take before said clerk, he being hereby given the same power to administer oaths and affirmations to said commissioners as is now possessed by justices of the peace; in said affidavit they shall swear that they are not interested in said improvement, and do not own any property along the line thereof; that they are freeholders resident in said township, and that they will execute faithfully the duties of their office; after taking said oath the said commissioners may proceed immediately to execute the duties of their office, and they shall examine into the whole matter, and shall determine and report in writing to the township committee what real estate fronting upon said improvement ought to be assessed, and what proportion of the expense thereof shall be assessed to each separate parcel or lot of land, and they shall accompany such report with a

All costs and expenses assessed on lands.

Appointment of commissioners.

Not to be interested in any improvement.

Report and map to be made.

map containing each lot assessed, and the names of the owners thereof, as far as the same are known to the said commissioners, but no assessment shall be deemed defective by reason of any mistake in the names of said owners, or omitting said names or any of them; this report and map shall be filed in the office of the township clerk, and thereafter the said clerk shall publish and post a notice (in the same way and manner, and for the same time as he published and posted the petition for said improvements,) stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said assessment presented in writing on or before a day named in said notice, to be fixed by said township committee, which day shall be at least ten days after the first publication, on which day the township committee will meet to consider such objections; the property owners on said improvement shall have an opportunity before the township committee accept any work on any street improvement or the clerk issue any final certificate, to bring in any objections they may have thereto in writing, and the clerk shall thereupon notify the owners on said line of improvement as hereinbefore provided for, at least ten days before such meeting; that if the objections are found worthy of consideration then the township committee shall appoint a committee of two of their board to examine such work and report thereon to said township committee before the acceptance of the said work by them; in case such objections are not sustained by them the township committee may confirm such assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said township committed; and the said commissioners shall amend said report and map in the particulars named and report again to the township committee, and if said report and map be amended as directed, the township committee may thereafter, without any notice to any person, confirm said assessment, and upon said confirmation said assessment shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by, said township committee for that purpose; and if the persons assessed neglect to pay to the township treasurer, the amount of their respective assessments, within thirty days from the passage of the ordinance

Owners may object to assessment.

Assessment to be a lien.

New Jersey State Library

to collect the same, the said township committee may proceed to enforce the lien created in the manner prescribed in this act; and whenever within the said township, any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the township committee, it shall be lawful for the township committee to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum, from the time of confirmation of such assessment until the same is paid; no other notice than required by this act need be given to any person interested in any improvement or assessment therefor; the minutes of the township committee and all papers filed in the township clerk's office, or certified copies thereof, shall be evidence in all courts and places; that the statements therein set forth are true, and that everything therein stated to have been done, has been done and performed as therein stated;

May charge, receive and collect interest on unpaid assessments.

VIII. That the township committee are hereby authorized to appoint five commissioners, owners of real estate in this township, together with one or more township surveyors, to make a new map of West Hoboken, for assessment purposes, to ascertain and establish the boundaries of all streets and public alleys in said township, and also to compel a uniformity in the connection of the streets and avenues; that they be empowered to map out and fix the grade of all the unimproved property in the township, laying out on the said map all the streets, roads and avenues for the same, also the grades for sewerage purposes, and in every way to make a perfect plan for the regulating and opening of streets, roads and avenues in said township, embodying the present official map and grades now on file in the clerk's office; before the adoption of said map the owners of property immediately adjoining the lines of each street so laid out, shall have an opportunity to be heard in relation thereto before the said commissioners and the township committee; after careful deliberation and examination the township committee may pass an ordinance adopting said map, and after filing copies in the offices of the county and township clerks it shall be the legal and official map of the township; also the town committee shall have power in said map to alter the names of the streets, so that they be in numerical order, commencing at the Paterson plank road;

Commissioners to make a new map for assessment purposes.

Grade of streets, &c.

Ordinance adopting map.

the pay of the commissioners to be the same as is allowed to commissioners on street improvements; that the assessor be authorized to assess an amount of tax not exceeding three thousand dollars, for the carrying out of this section, and that such assessment shall be levied upon each lot or parcel of land in said township; Compensation of commissioners.

IX. That the township committee shall have power to take land for widening streets, when a majority of the owners on such street shall petition for the same, and that the lands so taken shall be paid for by assessment on the frontage of the proposed widened street before being taken possession of, and that commissioners shall be appointed to assess the damages and to make award therefor; and in case the assessment cannot be collected within thirty days after the passage of the ordinance to collect the same, the township committee shall have power and authority to issue coupon bonds for such deficiency as hereinafter provided for. May take land for widening street. May issue coupon bonds.

9. *And be it enacted*, That a corner lot of land running one hundred feet or less sideways on a street, be assessed both for the street grading and improvement of intersection, at six tenths of its lineal measurement, and the remaining four tenths be assessed on all lots or lands to the centre of the block on said street, and also on the cross or intersecting streets; and for flagging, curbing, and guttering to pay full measurement as other lots. Corner lots, how assessed.

10. *And be it enacted*, That all irregular lots or parcels of land which have less than fifty feet in depth, and fronting on a street under improvement at the time of the passage of the ordinance for said improvement, shall be assessed only for the benefit received, and the balance shall be laid upon all the lands benefitted thereby. Irregular lots to be assessed only for benefits received.

11. *And be it enacted*, That the township committee may permit the several owners of real estate to lay out, make, and otherwise improve streets, roads or avenues through their lands in said township at their own charge and expense when streets have not before been laid out, the owners, however, complying with and observing such grades of streets and width of sidewalk and streets as established by the grade map, and which may be approved by the township committee, the work to be done under the supervision of one of the township surveyors; and when the surveyor shall report that the street is done and ready for acceptance, the committee shall examine the street, and if correct, accept Owners of land may lay out and improve streets, &c., through their lands.

the same for public use; no owner shall have the right to open any street for public use not so accepted; in case the streets already laid out in said township or either of them or any part thereof shall not be opened, graded or otherwise improved by the owners, that the township committee shall have power to open and improve such streets by resolution and ordinance.

Acceptance of street improvement.

12. *And be it enacted*, That before the township committee accept any work on any street improvement, or the clerk issue any final certificate, they shall notify the property owners to bring, in writing, any objections they may have; the clerk to publish notices at least ten days before the meeting in the manner hereinbefore provided for.

Power to issue certificates.

13. *And be it enacted*, That the township committee have power to issue certificates, payable within one year or less, with interest to the amount of seventy per centum of work done on any street improvement, when certified as correct by the surveyor, and when the contract is fully completed, and the work is accepted by the township committee, they may issue a final certificate for the balance due.

May issue coupon bonds for payment of certificates.

14. *And be it enacted*, That in case any certificate or certificates heretofore or hereafter given for work on any street shall become due, before the assessment for said street improvement is collected, the township committee shall have power to issue coupon bonds, payable in not exceeding three years, and redeemable at the pleasure of the township committee by their publishing sixty days' notice when and where such bonds shall be redeemed, and all interest thereon shall cease after the date named in such notice.

Fee of clerk for making return to writ of certiorari.

15. *And be it enacted*, That in cases in which persons shall bring writs of certiorari to remove the proceedings of the township committee, it shall be lawful for the township clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay said sum to said clerk before the return day of said certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on setting aside any ordinance, assessment or proceeding of said township committee; that no ordinance, assessment or proceeding of the township committee of said township, shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the require-

ments of this act have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and the said township committee may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said townsip committee; whenever any assessment is set aside, the said township committee may appoint new commissioners to make a new assessment; that no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said township after the contract therefor shall have been awarded by the township committee of said township, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township after thirty days shall have elapsed from the date of the confirmation of said assessment by the township committee of said township; that in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said township, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded, shall be paid out of the first sums of money collected under the new assessment for said improvement.

Proceedings in case assessment is set aside.

16. *And be it enacted*, That all repairs in the carriage ways of any street, road or avenue in said township, in any part thereof, which said township committee shall consider necessary, then and in that case the township committee shall cause the said repairs to be made by contract or otherwise, and the costs and expenses of such repairs shall be paid by the township committee, upon their approval of the same, out of the road tax annually voted; that all repairs to sidewalks, curb and gutter, shall be made by the owners of the

Repairs of street to be made by contract.

Repairs of sidewalks, &c., to be made by owners.

land in front of which such repairs are necessary, upon written notice by the township committee; and if the said owner or owners shall be non-resident it shall be sufficient for the township committee to post said notice upon or near the lot or lots in front of which the sidewalks and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within fifteen days from the date of service or posting said notice as aforesaid, then it shall be lawful for the township committee, and they are hereby authorized and empowered to cause the same to be made, and the costs and expenses of such repairing or re-laying as aforesaid shall be assessed by said township committee, upon the lands directly in front of which said repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessment and improvements, and any road assigned to the street commissioners, shall be subject to such regulations and ordinances as the township committee shall see fit to adopt.

Lands may be sold for non-payment of taxes.

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

Proviso.

provided, the said township committee shall first have caused said sale to be advertised for at least two months,

once in each week, in at least one public newspaper generally circulated in said township, and also by advertisements put up in at least five public places in said township, which shall be designated by the township committee, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, Proviso. that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee, or claimant of such lands, tenements or real estate, at any time within three years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the township for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the township, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him either personally, or if not to be found in the said township of West Hoboken, then such notice shall be deposited in the post office nearest to said township directed to him at his last known place of residence, (or at the post office nearest thereto), but nothing therein contained shall be so construed as to impair the lien created by such tax assessment or sale; *and provided*, the said term of time for Proviso. which any lands, tenements or real estates so sold as aforesaid shall not commence nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate, until the three years limited for the redemption of the same shall have expired; and the said

purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided, also*, that the said sale may be adjourned or postponed from time to time or suspended, as the township committee may direct; *and provided*, that if at any sale 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 be lawful for the said township committee to adjourn the said sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said township to purchase the said lands, tenements or real estate for the benefit of the township, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the township clerk's office, which record shall contain the time when such assessment 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 township clerk to record, in a book to be called "record of sales," all declarations of sale, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the township treasurer of such redemption, and to

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file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office; the clerk and treasurer are hereby authorized to charge and collect a sum for such service as the township committee may by ordinance regulate.

Township committee may pass ordinances.

18. *And be it enacted*, That the said township committee may, by their title of "The inhabitants of the township of West Hoboken, in the county of Hudson," have power to pass, enforce, alter and repeal ordinances to take effect within said township of West Hoboken, for the following purposes, to wit: to ascertain and establish the boundaries of all streets, roads and avenues in said township, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places in said township, and in every other respect to secure to the public and adjoining owners the safe and convenient use of the streets and sidewalks for the purpose for which they are or may be laid out and dedicated; to prevent and prohibit all animals from running at large in said township, and to impose fines upon the owners thereof; they shall impose a fine of three dollars for each goat, one dollar for each swine, and fifty cents for each goose, together with the costs of the court, for each offence, and the informer shall be entitled to one-half the fine; to provide for the establishment of one or more public pounds, and for the impounding therein all animals running at large, and for the sale of the same; to make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements; to prevent immoderate driving in the streets, and driving over and upon sidewalks; to prevent riots, routs, disturbances or disorderly assemblages in any street, house or place in said township; to prevent and suppress gaming houses, and to prohibit gaming and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to restrain all dogs from running at large, and to authorize their destruction; to suppress vice and immorality; to license, regulate and to prohibit inns or taverns, to require the payment of an annual fee of twenty-five dollars from every person licensed to sell ale, beer or other liquors, and to prohibit all traffic in or sale of intoxicating drink or drinks, and to license, regulate and to prohibit hawkers and

Boundaries of streets.

Animals running at large.

Public pounds.

Assessment map.

Fast driving.

Riots.

Gaming houses.

Dogs.

To license inns and taverns, hawkers and pedlers.

pedlers, all licenses to expire on the first of May in each year, upon such terms and under such regulations and penalties as the township committee shall by ordinance impose; and no other license for such purposes within said township, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlers; and to prescribe the duties and compensation of all officers not defined by this act or the statutes of this State; *provided*, that no ordinance or by-law shall be enacted or passed by the said township committee unless the same shall have been first introduced at a previous meeting, and agreed to by at least four of said township committee upon the passage thereof; all penalties for violation of any ordinance of said township shall be sued for and recovered before any justice of the peace of said township in an action of debt, and execution may be issued against the goods, chattels and body of the defendant; *provided*, no penalty for violation of any ordinance shall exceed fifty dollars, or imprisonment more than thirty days.

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Compensation of commissioners.

19. *And be it enacted*, That the compensation of the commissioners appointed by virtue of the seventh article, section eighth of this act, shall be fixed by the township committee, and shall not exceed the rate of five dollars per day, and subject, however, to revision by the township committee.

Compensation of treasurer.

20. *And be it enacted*, That the compensation of the treasurer of said township shall be one-half of one per centum upon all township money disbursed by him, and one per centum upon all money for street improvements collected by him.

May pass ordinances for cleaning of snow and ice.

21. *And be it enacted*, That the township committee shall have power to provide by ordinance for the cleaning of snow and ice from sidewalks of said township, and to provide for making the expenses for the same a lien upon the real estate adjacent to said sidewalks, to be collected in the same manner and at the same time as taxes; *provided*, that the cleaning of any such sidewalks shall not exceed the sum of twenty-five cents for each cleaning of each lot of twenty-five feet front.

Proviso.

Board of inspectors of election.

22. *And be it enacted*, That the officers constituting the board of inspectors of elections in said township shall consist of three persons, and shall be elected in the manner following: each ballot for that purpose shall contain no more than two names, one of which names shall be the nominee for assessor; in case more than two names are voted for, the ballot shall only be void as to said inspectors, and the three

persons who received the highest number of votes shall be deemed and be taken to be elected inspectors of election; in case two persons shall receive an equal number of votes, the first person named on the ballot for inspector of elections shall be elected; said board of inspectors shall receive the sum of ten dollars each in full compensation for their services.

Dog tax.

23. *And be it enacted*, That the assessor shall levy a tax of one dollar per head on all male dogs, and three dollars per head on all female dogs in lieu of the State tax, which shall be a school tax, and appropriated to the support of public schools.

Cost of printing assessors' books.

24. *And be it enacted*, That the town committee be authorized to print copies of the assessors' books in pamphlet form, the whole cost of compiling and printing not to exceed fifty dollars.

Meeting of commissioners of appeal.

25. *And be it enacted*, That hereafter the commissioners of appeal in cases of taxation in said township are required to convene on the Tuesday preceding the first Monday of October, annually, for the purpose of discharging the duties of their office, and they may hold sessions at such adjourned days as they may fix, not exceeding three in number, and not later than the fifteenth day of October; and the compensation of such commissioners shall be four dollars per day.

Collector to give notice of payment of taxes.

26. *And be it enacted*, That hereafter the collector of said township shall, annually, immediately after the second Monday in September, give the notice required by the tenth section of "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six; and he shall make the demand and give the notice required by the eleventh section of said act, within twenty days after the second Monday in September, and the day fixed by him for the payment of said taxes shall not be later than the first day of November.

Duty of township clerk.

27. *And be it enacted*, That the township clerk shall, in addition to the duties required of him by this act or any other act of this State, have charge of all the records, books and documents of the township, except when the township committee shall otherwise direct; he shall keep a record of the proceedings of the township committee, he shall engross all the ordinances of the township committee in a book to be provided for that purpose, with proper indices, which book

shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman or acting chairman of the township committee and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the township committee, and copies of the laws or ordinances of said township, certified by him under the corporate seal, shall be evidence in all courts and places; he shall keep his office open at the town hall, from nine to twelve o'clock in the forenoon, each day, (Sundays and legal holidays excepted,) and shall receive as compensation for his services a salary not exceeding eight hundred dollars per year.

Annual statement to be published of receipts and expenditures.

28. *And be it enacted*, That the township committee shall, at least once a year, in lieu of any other publication, within the ten days immediately preceding the annual town election, publish in pamphlet form a full statement of all receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the township.

Compensation of assessor.

29. *And be it enacted*, That the office of assessor shall be a salaried office, and that the same shall not exceed the sum of five hundred dollars per year, anything herein contained, or any law to the contrary notwithstanding.

Compensation of collector.

30. *And be it enacted*, That the collector shall receive as compensation for his services one per centum on all sums collected by him over ten dollars, and ten per centum on all sums of ten dollars or under.

School tax, how raised.

31. *And be it enacted*, That the township committee shall direct annually an assessment for schools, the amount allowed to be raised by State law for the support and maintenance of schools in said township, together with such an additional amount as shall be voted for by the people on the recommendation of the trustees and the township committee.

Money proposed to be raised to be approved by majority of votes.

32. *And be it enacted*, That all moneys proposed to be raised by assessment upon the property of the township of West Hoboken, for any purpose whatever except as hereinbefore provided for shall, before being assessed, be voted upon and approved of by a majority of the voters of the township voting, at the annual spring election.

May borrow money.

33. *And be it enacted*, That the township committee shall have power to borrow money upon the credit of the township in sufficient amount to liquidate any judgment that may be obtained against them.

Jurisdiction and power of justices of peace.

34. *And be it enacted*, That any justice of the peace of the township of West Hoboken shall have jurisdiction, and is hereby empowered on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said township, to issue a process, either in the nature of a warrant or summons as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than three and not more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear testimony, and to determine and give judgment in the manner, without the filing of any pleadings; and that the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or when the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in courts for trials of small causes; *and provided also*, that in all cases an appeal may be made to the township committee for the remission of any penalty that may be inflicted or adjudged; *provided further*, that no fine shall be imposed exceeding fifty dollars for each offence, and no term of imprisonment, as a penalty, shall exceed thirty days for each offence; and for the proper holding and securing of such offenders against any ordinance of said township so violated, or of any law of the State, such justice may temporarily commit such offender for further examination in such place or places of detention as may be provided for that purpose by the said township committee.

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35. *And be it enacted*, That upon the return of any writs issued by said justice, if the same shall be in the nature of a

Defendants to enter into recognizance, &c.

warrant, and the said justice shall see fit to adjourn the hearing of the charge made, and so orders, then the said defendant or defendants named in the said warrant shall enter into recognizance, as near as may be in the manner directed in courts for the trial of small causes, in the amount of the penalty named in the process, with such surety as may be approved by the said justice unto "the inhabitants of the township of West Hoboken, in the county of Hudson," for his appearing on the day to which said hearing may be adjourned; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have been, had the said recognizance been taken in a proceeding in courts for the trial of small causes.

Amount to be assessed for incidentals.

36. *And be it enacted*, That the township committee shall have authority to assess not to exceed ten per centum on the gross amount of the assessment to provide for incidentals.

Repealer.

37. *And be it enacted*, That all acts or parts of acts inconsistent herewith be, and the same are hereby repealed, excepting Act No. 47 of Assembly, passed at this present session, and approved March, eighteen hundred and seventy-one.

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

Approved April 6, 1871.

CHAPTER DXXXVIII.

A Supplement to an act, entitled "An act to revise and amend the charter of the city of Rahway," approved March twenty-third, one thousand eight hundred and sixty-five.

Council may alter line or course of any street laid out or opened.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Rahway, by ordinance from time to time, may vacate or alter the lines or courses of any streets or section thereof in said city already laid out, whether opened or not at the time of the passage of such ordinance; *provided*, that written application for the passage of such ordinance shall

first be made by persons owning three-fourths of the lineal feet along the street or section thereof proposed to be vacated or altered, and that two-thirds of the whole number of councilmen vote in favor of the passage of such ordinance; *and provided, further*, in case of a proposed vacating or altering the lines of a section of any street, that written application therefor shall also first be made by persons owning one-half of the lineal feet of the remaining portion of such street; and the same proceedings shall be taken and the same liens and rights of redemption and all other incidents thereto shall exist to carry into effect any ordinance passed by virtue of this section, that are now authorized and directed for opening and vacating streets in accordance with the map of said city as laid down by the commissioners appointed to make the same. Proviso.

2. *And be it enacted*, That said common council shall have power to license, regulate, and control the selling of spirituous, vinous, distilled, or fermented liquors in any quantities, and may punish violations thereof, and may also revoke said licenses. Power to license the sale of liquors.

3. *And be it enacted*, That whenever any owner of real estate lying within the lines of any street, avenue, or public square as laid down upon the map of the commissioners appointed to lay out streets, avenues, and public squares in said city, and not then appropriated and taken for public use, shall desire to make improvements thereon, and shall give three months' written notice thereof to the common council of said city, it shall be the duty of the commissioners, who may be appointed to assess the damages for the taking of said real estate for the purposes of said street, avenue, or public square, to make compensation to such owner for all said improvements, unless they shall have been appointed and qualified within the period of said three months. Proceedings in case owners desire to improve any street, &c.

4. *And be it enacted*, That after the ratification of any report of damages for the taking of land, it shall be discovered that the commissioners, appointed to make such assessment, neglected to assess damages for any portions of said land or improvements thereon, it shall be lawful for the common council to reappoint commissioners, who shall make a supplemental report of damages for the land and improvements which the original commissioners neglected to assess, and such damages shall form a part of the costs, damages, and expenses of said work; or if, upon such discovery, the Proceedings in case of neglect of commissioners to assess damages.

assessment of costs, damages, and expenses shall have been made, then the commissioners appointed to make the supplemental assessment, shall also make a supplemental assessment of costs, damages, and expenses in the same mode as now provided for making the original assessments.

Owners to pay expense for removing snow and ice, &c.

5. *And be it enacted*, That the common council, on failure of the owner or occupant of any premises to obey the ordinances of said city relating to the removal of snow and ice from the front of said premises, may direct that the street commissioner shall remove the same, and that as soon as practicable after doing so, that he shall enter in the office of the receiver of taxes a sworn statement of the expenses thereof, with a general description of said premises, in a book to be provided for that purpose, which expenses, with such sum as said common council may allow the said street commissioner, for his services, shall be and remain a lien on said premises from the time of the entering of such sworn statement, with interest at the rate of twelve per centum per annum until paid, and the same shall be inserted in the notice thereafter issued by said receiver of taxes for the payment of taxes due upon said premises, and shall be collected in the same manner as the taxes upon the same are collected, and at the same time; and for nonpayment thereof, said receiver shall sell said premises in the mode and at the time provided by law for sales on account of nonpayment of taxes; and purchasers thereof shall hold the same, in all respects, as though purchased for nonpayment of taxes.

Receiver may sell lands for non-payment.

Oath may be administered.

6. *And be it enacted*, That the mayor and city clerk may administer all official oaths and affirmations required to be taken by any officer in said city.

Appointment and duties of assessors at large.

7. *And be it enacted*, That for the purpose of revising and correcting the assessment lists as made out by the assessors of the several wards of the city of Rahway, the common council of said city shall yearly appoint three persons as assessors at large to meet and act in conjunction with the said ward assessors in forming the board of assessors for said city, and said board as thus constituted shall perform the duties required by the fifty-first section of the act to which this is a further supplement, and no order or resolution affecting the assessment lists shall be adopted, unless voted for by a majority of the whole number of the members of said board.

Tax laws applicable to city of Rahway.

8. *And be it enacted*, That the sixteenth and seventeenth sections of the act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, which supplement was approved April eleventh, eighteen hundred and sixty-six, are hereby declared to be in full force and effect so far as relates to the city of Rahway, and the tax on stock in all banks located in said city shall be taxed in the mode therein provided, and not from the stockholders thereof.

Bank stock, how taxed.

Improvements by any patented process, how made.

9. *And be it enacted*, That whenever the common council of said city shall by ordinance determine to cause any improvement to be made, which shall contemplate the use of any patented process or materials, and the owners of one-half of the property in running feet along the line of the intended improvement shall remonstrate in writing against the use of any specified patent, or petition for the use of any specified patent, or for the use of one or two or more specified patents in making such improvement, the said common council shall award the contract for the said work only in accordance with the request of such proportion of owners; and when any such contract is made, upon which there are or may be letters patent of the United States, the assessment for such improvement shall not be void by reason of any such letters patent, or by reason of there being but one bid for the contract to do said work; *provided*, that no ordinance which has been duly adopted to pave or otherwise improve any street or avenue, or section thereof, shall be repealed, or its operations temporarily suspended, unless on the petition of a majority of the owners of property in running feet along the line of lands liable to be assessed for such improvement.

Assessment not to be void.

Proviso.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DXL.

An Act for the relief of Isaac P. Foster, of the county of Cumberland.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State to Isaac P. Foster, of Cumberland county, a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him quarterly during his lifetime.

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

Approved April 6, 1871.

CHAPTER DXLI.

An Act for the relief of Susanna Westcott, of the county of Gloucester.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be, and he is hereby authorized and required to pay to Susanna Westcott, of the county of Gloucester, widow of Allan Westcott, deceased, who was a soldier in the war of one thousand eight hundred and twelve, or to her order, the sum of one hundred dollars per annum during the term of her natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made on the fourth day of March next, (one thousand eight hundred and seventy-one.)

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

Approved April 6, 1871.

CHAPTER DXLII.

An Act for the relief of Jonathan Scobey, of the county of Middlesex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be and is hereby authorized and required to pay to Jonathan Scobey, of the county of Middlesex, who was a soldier in the war of one thousand eight hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of May, one thousand eight hundred and seventy-one. Pension.

2. *And be it enacted*, That the treasurer of this State be authorized and required to pay the sum as in the first section of this act provided for, out of any money in the treasury of this State not otherwise appropriated.

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

Approved April 6, 1871.

CHAPTER DXLIII.

A Further Supplement to an Act, entitled "An Act to Incorporate the New Brunswick and Cranbury Turnpike Company."

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter if the said company shall not keep the road in repair, as in said charter directed, that complaint thereof shall be made to one of the judges of the court of common pleas of said county, who Complaints to be made to judge of common pleas.

shall proceed in the same manner and perform the same duties as are by said charter imposed upon a justice of the peace, and that hereafter a justice of the peace shall not have cognizance of the same.

Penalty for persons carting gravel, &c., from road.

2. *And be it enacted*, That any person or persons carting loads of soil, dirt, earth or gravel from the road, or the sides of the road, or any part of the road, formerly known as George's Road, without permission from the proper authorities of the company, such person or persons shall forfeit and pay the sum of one dollar for each and every load carted, besides being subject to an action of damages for the same, to be recovered by said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit.

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

Approved April 6, 1871.

CHAPTER DXLIV.

An Act for the relief of Cornelia Lafaucherie.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State to Cornelia Lafaucherie, of the county of Mercer, widow of John Lafaucherie, who was a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to her quarterly during her lifetime.

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

Approved April 6, 1871.

CHAPTER DXLVI.

An Act for the relief of Mary Plumley.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State to Mary Plumley, of the county of Mercer, widow of John Plumley, who was a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to her quarterly during her lifetime. Pension.

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

Approved April 6, 1871.

CHAPTER DXLVII.

A Supplement to an act entitled "An Act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for redeeming the land sold for taxes, under the provisions of the act to which this is a supplement, shall be one year instead of six months, as provided by the sixth and seventh sections of said act, and that this act shall apply to all the townships to which the provisions of the original act were extended, unless they have extended the time for redemption longer than one year; but nothing in this act shall be construed so as to affect lands already sold for taxes. Time for redemption of lands sold for taxes.

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

Approved April 6, 1871.

CHAPTER DXLVIII.

An Act to alter the boundary line between the townships of Oxford and Harmony, in the county of Warren.

Territory annexed to township of Harmony

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Oxford lying southwardly of the following lines, viz: beginning at the line between Barnet D. Fine and Rosetta White, at the Delaware river, and running thence a southerly course until it strikes the boundary line between the townships of Oxford and Harmony aforesaid, in the public road near the village of Roxburg, be and the same is hereby set off from the said township of Oxford, and annexed to and made a part of the township of Harmony, in the county of Warren.

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

Approved April 6, 1871.

CHAPTER DXLIX.

A Supplement to the act entitled "An act relative to taxes in certain counties in this State," approved April second, one thousand eight hundred and sixty-nine.

All lands to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all lands situate in the township of Pompton, in the county of Passaic, shall be assessed therein.

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

Approved April 6, 1871.

CHAPTER DL.

An Act for the relief of David Veal, of Gloucester county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be and he is hereby authorized and required to pay to David Veal, of Gloucester county, who was a soldier in the war of one thousand eight hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of April, one thousand eight hundred and seventy-one. Pension.

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

Approved April 6, 1871.

CHAPTER DLIII.

A Further Supplement to the act entitled "An act to authorize the inhabitants of the city of New Brunswick School District, Number One, of the township of North Brunswick, county of Middlesex, to elect a board of Education," approved March third, anno domini one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said board of education to purchase suitable lots of land in the city of New Brunswick, and to cause to be constructed or erected thereon school houses of such dimensions, style and materials as they may see fit, and to furnish the same in a proper manner; and that said board shall have power to Board of education may purchase land and erect school houses.

May borrow money and secure the same by mortgage.

borrow money at such times and in such amounts as may be necessary for the purpose of paying for said land and the school building erected thereon, and furnishing the same; and that they may secure the payment of such moneys so borrowed, or any part thereof, and the interest accrued or to accrue thereon by mortgage on such lands so purchased, and on the school building erected or to be erected thereon, until the same shall be collected and paid by taxation as herein provided.

Authorized to levy yearly tax for payment of expenses and mortgage.

2. *And be it enacted*, That for the purpose of paying all the expenses which may be incurred by the said board in the purchase of said land, and in the erection and construction of said school house thereon, and the furnishing of the same, and also for the purpose of paying any mortgage debt incurred as aforesaid, and all interest as aforesaid; it shall be lawful for said board of education and they are hereby authorized and directed to cause to be levied, raised and collected by tax, yearly and every year, until the whole of said expenses and mortgage debt and interest are paid such part or portion or instalment of the principal of said expenses and mortgage debt incurred as aforesaid, as said board may deem proper, and also the annual interest on the same; and yearly and every year after, said board shall fix and determine what amount shall be raised, levied and collected for said purpose, they shall add such amount to the amount of other moneys which they are by law authorized to cause to be levied, raised and collected for the support of public schools in said district, and include the same in the certificate which said board is now required to deliver to the assessor of the city of New Brunswick for the purpose of taxation and collection of school taxes; and it shall be the duty of the assessor or assessors of said city to assess all of said moneys, as set forth in said certificate, and the collector of said city, and other officer or officers of said city authorized to collect the taxes of said city, shall collect and pay over all of said moneys called for by said certificate, in the manner, to the person, and at the times, as said several officers are now required to assess, collect and pay other school moneys, and as provided in the second section of the aforesaid supplement to said above act, approved March ninth, one thousand eight hundred and sixty-six.

Taxes, how assessed and collected.

Repealer.

3. *And be it enacted*, That all acts and parts of acts relating to the building of new school houses in said district

or city, and to the raising of money for such purpose, inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved April 6, 1871.

CHAPTER DLIV.

An Act for the relief of William Longstreet, of Monmouth County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State Pensi be and he is hereby authorized and required to pay to William Longstreet, of Monmouth county, who was a soldier in the war of one thousand eight hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each; the first payment to be made upon the first day of April, one thousand eight hundred and seventy-one.

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

Approved April 6, 1871.

CHAPTER DLV.

An Act concerning roads 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 Sweeting Miles, Cram- Board m- mond Kennedy, Ralph S. Demarest, Isaac D. Demarest, missioners John H. Stephens, N. Curtis White, and N. Collignon, and

their successors to be hereinafter appointed, are hereby constituted a board of commissioners to be known as "The Harrington Township Road Commission;" the said commissioners, or a majority of them, shall meet at Closter, on the first Monday of April, one thousand eight hundred and seventy-one, and proceed to the organization of the said commission by the election of a president, and such other officer or officers as they shall see fit, and shall thereupon determine by lot the period for which each commissioner shall hold office, so that the term of office of one commissioner shall expire on the first Monday of April, one thousand eight hundred and seventy-two, and the term of office of three commissioners on the first Monday of April, one thousand eight hundred and seventy-three, and the term of office of the remaining three commissioners on the first Monday of April, one thousand eight hundred and seventy-four; and the said commissioners shall also assign one of their number to be the commissioner for each of the districts hereinafter created, who shall be a freeholder and resident in the district for which he is appointed.

Title.

Appointment and term of office of commissioners.

2. *And be it enacted*, That the term of office of each commissioner appointed after the expiration of the term of office of the commissioners named in the first section of this act, shall be three years, and that on or before the fifteenth day of March preceding the expiration of the term of office of each commissioner, the said commission shall nominate, in writing, for his successor, a suitable person, who shall also be a legal voter in the township and a freeholder and resident in the district for which he is nominated, and if such nomination shall be approved by a majority of the freeholders of the said district, assembled in their April meeting, then the person so nominated and approved shall be appointed commissioner for the said district; and if the person so nominated shall not be approved as aforesaid, then the commission shall nominate again, and if this second nomination shall not be approved as aforesaid, the commission shall call a special meeting of the freeholders of the said district to fill the vacancy, and the person receiving the majority vote of the freeholders so assembled, shall be appointed commissioner for the said district; but all vacancies in the commission arising from death, resignation, removal from the township, or any other cause other than the expiration of the term of office, shall be filled by the commission

Vacancy, how filled.

within thirty days from the occurrence of the same, care being had to the provision that each commissioner shall be a legal voter in the township and a freeholder and resident in the district for which he is nominated; and each commissioner who shall serve until his term of office expires, shall continue to discharge the duties of the same until his successor shall have been appointed; but when any vacancy shall arise from other cause than the expiration of the term of office, then the remaining members of the commission shall discharge the duties of the retiring member or members until his successor or their successors shall have been appointed; and each commissioner shall, before he enters upon the duties of his office, take an oath or affirmation before one of the judges of the court of common pleas of the county of Bergen, faithfully, fairly and impartially to exercise and perform the duties of said office, which oath or affirmation shall, within five days after the taking of the same, be filed by the said judge in the office of the clerk of the county of Bergen.

Commissioners to take oath.

3. *And be it enacted*, That for the purposes of this act, the commissioners named in the first section hereof, or their successors, shall be and are hereby authorized and directed to divide the township of Harrington into seven road districts, prior to the yearly April meeting of the freeholders, provided for hereinafter, and to make a map of the same, which map shall be filed in the office of the clerk of the county of Bergen, and a copy of the same kept for inspection at the office of the said commissioners at Closter.

Authorized to divide township into road districts.

4. *And be it enacted*, That the office of overseer of the highways in the said township of Harrington is hereby abolished, and that the commissioners herein provided for shall, within the limits of the district to which each shall from time to time be assigned, have the same powers, perform the same duties, and be subject to the same penalties as overseers of highways in the said township now have, perform or are subject to within and for the said township, and that the commission hereby created shall, in addition to other powers and duties conferred and enjoined by this act, have the same powers, perform the same duties, and be subject to the same obligations and penalties as the township committee now have, perform or are subject to, in relation to the public highways; and in addition thereto shall have a general and exclusive supervision, control and management of the public

Powers and duties of commissioners.

highways in said township, and of their repair and regulation, and of all parks and other lands in said township which may have been or may be dedicated to the public, or which the said commission may acquire, as hereinafter provided; and shall from time to time prescribe by the vote of a majority of said commission the manner in which the said public highways shall be worked, repaired, kept in order and regulated, and named, and the time when the same shall be worked and repaired; and if any person shall desire to dedicate to public use, as a highway, any portion of his or her land, and twelve freeholders of the district in which said dedication is proposed shall petition the commission to accept the same for public use, then upon the execution of a deed of the same to the inhabitants of Harrington township, with an acceptance in writing signed by a majority of the said commission, endorsed thereon and filed with the same in the office of the clerk of the county of Bergen, the land so dedicated and accepted shall be a public highway from the time of recording said deed, with like effect as if the same had been opened under the provisions of any existing law.

Power to raise money for making, maintaining and repairing public highways.

5. *And be it enacted,* That the said commission shall once in every year call an assembly in each of the said districts of the legal voters of the said township, who are freeholders in the said district, at such convenient place in the said district, and at such time in the month of April in each year as the said commission shall deem proper, upon twenty days' notice, by printed posters or posters partly printed and partly written, posted up in at least five public places in said district and by advertisement for two weeks previous to the meeting in a newspaper printed and published in the county of Bergen, at which assembly the commissioner of the said district shall preside, and the said freeholders so assembled shall have the same powers and authority in relation to the voting and raising of money for the making, maintaining and repairing the public highways within such district as the inhabitants of the said township now have in relation to the roads and highways therein, when assembled in town meeting; and they and their property shall be, in all respects, liable for the same in like manner as the inhabitants of the said township and their property are now liable in respect of the roads therein; *provided,* that in making assessments for the purposes mentioned in this act, no deduc-

Proviso.

tion shall be made for debts owing by the owners of the real estate assessed, or for any mortgage thereon; *and provided*, that each of the said districts respectively shall make, maintain and keep in repair, under the direction of the said commission, the public highways within their respective limits, in the same manner, to the extent of such districts respectively, as the said township now is authorized and required to make, maintain and keep in repair the highways within its limits; *and provided further*, that all moneys so voted and raised by any district shall be applied by the said commission to the use of the public highways in such district, and not in any other district. Proviso. Proviso.

6. *And be it enacted*, That the said assembly shall be conducted according to such general rules as the said commission may, from time to time, prescribe, and shall decide, vote and appropriate such sum or sums as they shall deem necessary and proper for the use of the public highways in the district; and the tax so voted shall be assessed by the township assessor, and collected by the township collector, in the manner provided by law for the assessment and collection of taxes in the said township, and shall be paid over by the officer or officers receiving the same to the president of the said commission, to be by the said commission applied to the purposes prescribed by this act. Taxes, how assessed and collected.

7. *And be it enacted*, That the said commission may appoint, employ, remove and discharge, from time to time, such surveyors, superintendents, engineers and laborers as they may deem necessary, in order more effectually to carry out the intention of this act, and pay them such compensation or wages as they shall deem fair and reasonable; also to purchase, or to hire and to use, for the said township, such horses, cattle, implements and materials as they may deem proper. May appoint officers, &c.

8. *And be it enacted*, That no park shall be accepted by the said commissioners except upon the written application of twelve freeholders of the district in which the proposed park is situated; and that the said application, when made, shall be accompanied by a map of the same, which map and application may be presented to the said commission at any of its meetings, and shall, when so presented be placed on file in the office of the said commission, and be open to inspection at all reasonable hours; and that thereupon if the majority of the said commission shall deem it expedient, Proceedings in case commissioners accept park for public use.

they shall cause a printed notice to be posted in ten public places reciting that the map and application are on file at their office, and calling a meeting of the freeholders of said district at a time and place specified in said notice, according to the fifth section of this act; and if the freeholders of such district in the said meeting assembled shall decide to have the park for public use, then the said commission shall equitably assess the property in the said district, so as to raise a sum sufficient to secure the proposed park for public use, and to pay the expenses of these proceedings, but the said commission shall not in any year spend more money in laying out and keeping in order any park for public use in the said township than the sum or sums which may be voted for this special purpose, either at the yearly April meeting of the freeholders of the district in which the proposed park is situated, or at a special meeting as prescribed in this section.

Power to lay out, open, widen, &c., public highways

9. *And be it enacted*, That the said commission shall (subject only to the right of appeal and review hereinafter provided) have the full and exclusive power and authority to lay out, open, widen, alter, straighten, grade and vacate public highways in the said township of Harrington; that whenever the said commission upon the written application of twelve freeholders in any of the said districts, shall deem it expedient to lay out, open, alter, widen, straighten, grade, or vacate any public highway, or any number of connecting public highways in said township, the said commission shall

Map to be made.

cause a map of such proposed measures to be made and filed in their office, which map shall be open to inspection at all reasonable times by any person desiring to inspect the same, and shall thereupon cause notice to be given, as provided in section fifth of this act, requiring all persons interested therein to appear before said commission at a convenient time and place to be specified in said notice, when and where the said commission shall hear and weigh all objections to the granting of the said application, and thereupon the said commission shall decide and determine in the matter, and if the said commission shall decide in favor of the

Lands benefitted to be assessed.

application, they shall make their decision in writing, and shall award such damages as they may deem just to each and every person affected thereby, and assess such lands as they may deem benefitted in proportion to the benefit, in their judgment, received by the owner thereof, and file the

said map and their award, and a particular description of the improvement so decided upon, in the office of the clerk of the county of Bergen, and the said commission shall give notice of such filing as provided in section fifth of this act, and the determination of the said commission shall be final and conclusive in the premises unless an appeal shall be taken to the court of common pleas of the county of Bergen within the time and in the manner provided hereinafter by this act, or unless in the case of a proposed new road, a petition against the making of the same shall be presented to the commission within twenty days from their determination in the matter, signed by the owners of a majority of lineal feet fronting on the proposed new road.

Property taken deemed for public use.

10. *And be it enacted*, That all property taken under any provision of this act shall be deemed taken for public use, and in estimating any award or assessment hereunder, the said commission shall estimate for benefits as well as for damages.

Power to construct sidewalks and contract for lighting highways, &c.

11. *And be it enacted*, That the said commission shall also have power to construct sidewalks, sewers and gutters of such material as they shall judge proper, along any public highway in said township, to erect lamp posts, and to contract for the lighting of such highways, or any of them, with gas or other material, upon the application, in writing, of the owners of land of two-thirds in value fronting upon both sides of the highway whereon such improvement is to be made, and to assess the charge of such improvement, and of keeping the same in order, use and repair upon the property benefitted thereby, which assessment shall be filed in the office of the clerk of the county of Bergen within ten days after the same shall have been made, and the said commission shall give notice of the filing of such assessment as provided in section fifth of this act.

Proceedings in case of appeal from decision of commission.

12. *And be it enacted*, That any person feeling himself or herself aggrieved by the action of the said commission under the eighth, ninth, tenth, and eleventh sections of this act, may, within twenty days from the filing of the decision of the commission in the office of the clerk of the county of Bergen, appeal to the court of common pleas of the said county by serving a notice in writing upon any member of the said commission, and the said court shall have full power to hear, determine and review the proceedings of the commission in the premises, and to confirm, alter, modify,

set aside or reverse in whole or in part, for errors, either of fact or law; and the said court shall have power to hear and try the same in a summary way, and may summon a jury to determine any question of fact; and the said court may proceed in due course according to the power of the court in other cases, and the determination of the said court shall be final and conclusive in the premises, and not subject to appeal or review; and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken, until such final determination; and like fees and costs shall be paid to the judges, jury, officers of the court, and parties, as are allowed in other causes of which the court has or may have jurisdiction; and the said court shall have power to make and prescribe all necessary forms, rules, and regulations in the conduct of any proceeding to be taken under this act.

Commission to carry out improvement if no appeal is taken, &c.

13. *And be it enacted*, That if no appeal shall be taken within the time and in the manner prescribed herein, the action of the said commission shall take effect, and the said commission may proceed to carry out the same under this act; and any assessment laid by virtue hereof shall be a lien on the lands on which it is laid; and the said commissioners shall procure a certified copy of their award and the judgment of the said court of common pleas, if any appeal shall have been taken, to be placed in the hands of the collector of taxes for the time being of the township of Harrington, and thereupon it shall be the duty of the collector to directly collect the said assessment within sixty days from the time of placing such copy in his hands, and to pay the same over to the president of the said board; and the said collector shall, in the collection of the said assessment, be liable to the same pains and penalties, and entitled to the same fees as in the collection of the annual township taxes, the said fees being reserved by him out of the amount so collected; *provided*, that the said collector, in each and every year, before proceeding under this act, shall enter into bonds to the said commission, with such sureties, and in such sum as the said commission shall approve, conditioned for the faithful performance of his duties under this act; and the said president, before receiving any money from said collector, shall enter into bonds to the inhabitants of the township of Harrington, in their corporate name, with such sureties and in

Collector to collect assessments.

Proviso.

such sum as the said commission shall approve, conditioned for the faithful performance of his duties as such president.

Lands to be sold for non-payment of assessments.

14. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid shall fail to pay the assessment laid thereon, within one year from the time of placing the certified copy of the award in the hands of the collector, then the land upon which the said assessment is a lien shall be sold in the same manner as land is now authorized by law to be sold for unpaid taxes in the said township of Harrington, so as to raise a sufficient sum to pay the said assessment and the interest, at the rate of twelve per centum per annum, from the expiration of sixty days from the time of placing such copy in the hands of the collector, and the lawful costs and fees of collection and sale.

Compensation of commissioners.

15. *And be it enacted*, That the said commissioners shall receive two dollars a day for each and every day's attendance upon and about the duties imposed upon them by this act, which shall be paid to them by the township collector upon the order of the president of the commission, and there shall be levied and collected in each and every year, at the time and in the manner provided for the collection of taxes in said township of Harrington, a sum sufficient to defray such fees, advertising expenses, and such other general expenses, costs and charges as the said commission may become liable for in performing their duties under this act; and that wherever the word commission is used in this act it shall be considered as meaning a majority thereof, and the said commission shall once in each year publish in a newspaper published and printed in the county of Bergen a full and accurate account of its receipts and expenditures stating when and for what purposes the same have been made.

Tax to be levied for defraying expenses.

16. *And be it enacted*, That all laws and parts of laws inconsistent herewith shall be inoperative in the said township of Harrington.

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

Approved April 6, 1871.

CHAPTER DLVII.

An Act for the relief of John A. Applegate.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State, to John A. Applegate, of Monmouth county, a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him quarterly, during his lifetime.

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

Approved April 6, 1871.

CHAPTER DLVIII.

An Act to vacate and abolish part of a street or road in the city of Rahway.

Street vacated and abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that part of the street or road known as Riverside road, in the city of Rahway, extending from the southerly line of Washington street to the westerly line of Lawrence street, as laid out upon the map made by or under the direction of the commissioners appointed by the common council of the said city, under and by virtue of an act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Rahway," approved April fourth, eighteen hundred and sixty-five, be and the same is hereby vacated and abolished, and the lines established by said commissioners as the lines of said part of said Riverside

road are hereby abolished, and the action of said commissioners in laying out said Riverside road between the southerly line of said Washington street and the westerly line of said Lawrence street, is hereby annulled and made void, and shall be for nothing holden. Action of commissioners annulled.

2. *And be it enacted*, That all acts and parts of acts, so far as the same are inconsistent herewith, are hereby repealed. Repealer.

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

Approved April 6, 1871.

CHAPTER DLIX.

An Act for the relief of Peter Van Nuyse, of the township of Montgomery, in the county of Somerset.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be, and he is hereby authorized and required to pay to Peter Van Nuyse, of the township of Montgomery, in the county of Somerset, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each, the first payment to be made upon the first day of June, one thousand eight hundred and seventy-one. Pension.

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

Approved April 6, 1871.

CHAPTER DLX.

An Act to regulate the sale of malt, vinous and spirituous liquors in the township of Chatham, in the county of Morris.

May hold election to determine whether to grant licenses

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the persons qualified to vote at town meetings in the township of Chatham, in said county of Morris, and they are hereby required to hold an election in said township on the second Tuesday in June next, at the place at which their last town meeting was held, and determine, by ballot, whether any person or persons shall thereafter be licensed to utter or sell, within the limits of said township, any malt, vinous, spirituous or intoxicating liquors.

Election, how held.

2. *And be it enacted*, That the officers who may be authorized by law to hold the next annual State election in said township, shall conduct the election to be held in pursuance of the first section of this act; and said election shall be commenced and conducted in accordance with the provisions of, and under the penalties prescribed by the act entitled "An Act to regulate elections," and the several supplements thereto, so far as said provisions are applicable, except that in place of the words "for members of," &c., in the heading of the poll list, shall be inserted the words "to determine whether license shall be granted to sell malt, vinous, spirituous or intoxicating liquors" in said township.

Form of ballot.

3. *And be it enacted*, That each ballot to be used at said election shall have written or printed on it the word "license" or the words "no license," and at the close of said election the votes shall be canvassed in the manner provided in sections fifty-four and fifty-five of the said act entitled "An Act to regulate elections," so far as the provisions thereof are applicable, and a certificate of the result, showing the number of votes in favor of and against such license, shall be signed by the board of election, and within

five days thereafter be delivered to the clerk of said county of Morris, to be kept on file as a public record.

Notice of election to given.

4. *And be it enacted*, That the same notice shall be given of said election as is by law required to be given of the annual State election, and the officers conducting the same shall be entitled to receive the same fees as are allowed for like services in holding the annual State election, to be collected and paid in the same manner.

Authorized to vote on question of "license" or "no license."

5. *And be it enacted*, That at each second annual town meeting or township election to be held in said township of Chatham, succeeding the election provided for in the first section of this act, the persons qualified to vote at such town meeting or election are hereby authorized and required to vote upon the question of license or no license in the same manner in which other matters are voted on at such election, except that the ballots for this purpose shall be separate and like unto those prescribed in the third section of this act, and when received shall be deposited in a separate box, similar in all respects to the ballot box prescribed by law, and to be provided and paid for in the same way; and at the close of said election the officers shall immediately make out and sign a certificate of the result in the mode mentioned in said third section of this act, and within five days thereafter deliver the same to the officer therein mentioned.

Certificate of result to be made.

No license to be granted if majority of votes decide.

6. *And be it enacted*, That if it shall appear that at any election held in said township of Chatham, pursuant to the provisions of this act, a majority of all the votes cast were for "no license," it shall not thereafter be lawful to license any person or persons to sell malt, vinous, spirituous or intoxicating liquors within said township until it shall be so decided by a majority of legal votes cast at some subsequent election held as hereinbefore provided.

Penalty for selling liquor without a license.

7. *And be it enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons within said township of Chatham, without a license for that purpose first had and obtained, to sell, or cause, or knowingly permit to be sold, directly or indirectly, any malt, vinous, spirituous or intoxicating liquors, or any composition of which such liquors, or any of them, shall form the chief ingredient, except such as shall be compounded to be used as a medicine, by less measure than one gallon, or any of any such liquors, in any quantity to be drank on the premises where sold; and any person so offending shall be deemed

guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for the first offence, and not less than one hundred dollars for each and every subsequent offence, together with the costs of prosecution; *provided*, that the prosecution shall be commenced within six months after the offence or offences shall have been committed.

Proviso.

Repealer.

8. *And be it enacted*, That so much and such parts of all acts and parts of acts as are inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DLXI.

An act to enable the trustees of School District Number Four, in the township of Manalapan, in the county of Monmouth, to sell the school property now belonging to said district, to purchase land and erect a school house thereon, and to raise money to pay for the same.

Trustees may purchase land and erect school house.

1. BE IT ENACTED *by the Senate and General Assembly the State of New Jersey*, That the trustees of school district number four, in the township of Manalapan, in the county of Monmouth, be and they are hereby authorized to purchase and hold in their corporate name a suitable lot of land, and to erect thereon a building for the public school in said district, with the necessary fences, out houses and conveniences, and to provide the said school with proper furniture, apparatus and fixtures; and to pay the cost and expenses thereof, the said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceeding the sum of twenty-five hundred dollars in the whole, and to issue bonds in the corporate name of the said trustees for the payment of the moneys so borrowed, with interest, as hereinafter provided.

May borrow money and issue bonds.

2. *And be it enacted*, That the trustees of said school district be and they are hereby authorized and empowered

to sell at public sale, upon one month's notice, by advertisements put up at five or more public places in said township of Manalapan, at least two of which shall be in said school district, and also upon two weeks' notice in one of the newspapers printed and published in the said county of Monmouth, circulating in the neighborhood of the said school district, all the school property now belonging to said district, and to make title for the same to the purchaser or purchasers; and the said trustees shall apply the proceeds of said sale towards the purchase of the lot and the erection of the building authorized in the first section of this act. Trustees authorized to sell school property.

3. *And be it enacted*, That the bonds to be issued as aforesaid shall not exceed in the aggregate the sum of twenty-five hundred dollars of principal, and shall be of such denomination as the said trustees shall deem proper, and shall bear interest at the rate of seven per centum per annum, payable yearly or half yearly, as the said trustees shall determine; and the sum not exceeding twelve hundred and fifty dollars of the principal of said bonds shall be made payable in each and every year after the date or issue thereof, and the said bonds may be sold and disposed of by the said trustees at not less than their par value; and the said bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law. Amount of bonds to be issued.

4. *And be it enacted*, That to provide for the payment of the principal of said bonds, and of all interest accruing on the same, it shall be the duty of the said trustees of said school district number four to apportion the amount of money necessary to be raised for that purpose, which apportionment shall be made on or before the twentieth day of May in each and every year; and they shall certify to the assessor of the taxes of the township of Manalapan, in the county of Monmouth, on or before the first day of June in each and every year, the amount which will be necessary to pay the principal and interest which will become due on said bonds during the ensuing year: which sum of money so as aforesaid certified, the said assessor is hereby authorized and required to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said school district, in the same manner as township taxes shall be assessed; which Special tax to be assessed and collected.

special tax shall be collected upon a duplicate thereof delivered to the collector of said township of Manalapan by said assessor, at the same time and in the same manner as township taxes shall be collected, and shall be accounted for and paid over by the said township collector to the trustees of said school district on or before the first day of March next, after the same shall be collected; and the moneys so raised, assessed, collected and paid over to said trustees shall be by them applied to the purposes authorized by this act, until all the bonds to be issued by virtue of this act shall have been fully paid.

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

Approved April 6, 1871.

CHAPTER DLXII.

An Act for the relief of Jonathan Pine.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State, to Jonathan Pine, of Camden county, a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him quarterly, during his lifetime.

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

Approved April 6, 1871.

CHAPTER DLXIV.

An Act authorizing the appointment of commissioners to institute and make local improvements in that portion of the township of Belleville included within the boundaries of Belleville Polling District.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be six commissioners appointed or elected as hereinafter provided, who shall enter into bonds to the township in the sum of one thousand dollars each, to lay out, open, regulate, grade, and improve, vacate and alter streets, sidewalks and roads, and to construct surface drains and sewers where they cross any street and also to conduct the waters to the rivers within the boundaries of Bellville polling district, in said township, and to be called "The Commissioners of the Belleville Polling District." Appointment of commissioners. Title.

2. *And be it enacted*, That it shall be lawful for said commissioners, or a majority of them, and they shall possess the exclusive power, on the written application of the owners of a majority of the lineal feet on said street or avenue, to lay out streets and avenues, within the Belleville polling district, of such width, extent and direction as to them shall seem most conducive to the public good; and to close, or direct to be closed, any streets, roads or alleys, or any parts thereof, heretofore laid out and not opened according to law; and said commissioners shall not lay out any streets or avenues of less than fifty feet in width. Power to lay out streets, &c.

3. *And be it enacted*, That it shall be lawful for said commissioners, and all persons acting under them, to enter upon any lands which they shall deem necessary to be surveyed, used or converted for the laying out and opening of any street, or the construction of any sewer, as aforesaid; and the said commissioners, or a majority of them, shall cause maps, plans and surveys to be made of the streets and avenues so laid out by them, or the alterations therein, exhibiting their connections with the lines of the present streets in May enter on lands, &c.

said district, and establish grades for the same; and the said commissioners, in performing their work, shall make the same conform, as far as may be practicable and consistent with the public convenience, to a map already made by an association of property holders, north of Joralemon street, so far as it may apply to that portion of the district comprised in that map; and the said commissioners may cause such maps, plans and surveys to be made in sections, and the same or each section thereof shall be attested by the said commissioners and filed in the office of the register of the county of Essex, there to remain of record; and from the time of so filing, the same shall be final and conclusive in respect to all persons and authorities, unless an appeal to the court shall be made within fifteen days as hereinafter provided in section nine of this act; and the said commissioners shall cause a copy of each section of said maps, plans and surveys to be attested and filed in their office, to remain there of record.

May cause maps, plans and surveys to be made.

May employ surveyors, &c.

4. *And be it enacted*, That the said commissioners shall have the power to employ such surveyors and assistants as they shall deem necessary, at such compensation as they may agree upon, for the performance of the duties required under the provisions of this act; and also to elect one of their number treasurer, who shall enter bonds to the township in a sum of not less than ten thousand dollars.

May pass ordinances.

5. *And be it enacted*, That the said commissioners, whenever in their opinion the public good requires it, may pass, alter and repeal such ordinances as they may think proper for the following purposes:

To open, alter and widen streets.

I. To open, alter, widen or vacate streets and roads, or sections thereof, within said district in accordance with the maps aforesaid, and to take and appropriate for such purposes such lands and real estate as may be necessary;

To construct sewers and drains.

II. To order and cause sewers and drains to be constructed within said district;

To grade, pave, &c., streets.

III. To order and cause any street or section thereof, not less than one block in extent, to be graded, graveled, paved, flagged, macadamized or otherwise improved, in such manner as they may deem advisable, at the expense of owners of land on the line of said street or section; *provided*, that any improvements under this or any previous sub-division shall not be commenced except upon the written application of owners of land representing more than one-

Proviso.

half of lineal feet along the line of the proposed improvement; and the assessment for such expense shall in all cases be based on the number of lineal feet owned by each person in front of whose property the same is made; and if at any time hereafter the owners of a majority of the lineal feet of property on any one street, of a not less extent than one thousand feet, shall make a written application to the commissioners to have the same curbed and paved from curb to curb, naming the material with which the same shall be paved, the commissioners shall proceed to the paving thereof, in accordance with said application by putting out the same to the lowest bidder or bidders after making out specifications for the work to be done and material to be furnished, and putting them up in at least three public places in the district, stating when the bids shall be received and opened, when the decision of said bid shall be made, if deemed desirable by the commissioners; and for the payment thereof the commissioners shall issue the bonds of the township, to be denominated "Belleville Township Improvement Bonds," which said bonds shall be made payable in ten equal yearly payments, bearing interest at seven per centum per annum, payable semi-annually; and shall bear the common seal of the commissioners to be by them hereafter adopted; and shall be signed by the president, countersigned by the secretary and endorsed by the treasurer of the commissioners, which said bonds shall be binding upon the township of Belleville; and shall be free from taxation, and shall not exceed sixty thousand dollars per mile of the street or parts of a street so applied for to be paved; and the amount of principal and interest of said bonds shall be assessed by the commissioners upon the property owners upon the line of said paved street or streets in ten equal annual assessments with interest in accordance with the number of lineal feet owned by each on said street, and shall be collected in the manner provided for other assessments by section fifteen in this act; and if any horse railroad company do now or shall hereafter occupy any part or portion of any street or streets within said district, with the tracks of said horse railroad company that shall or may be ordered by the commissioners to be graded or paved, they shall within thirty days from the date of a notice from the commissioners of a resolution to grade and pave the same, proceed to grade and to pave between the rails thereof and eighteen inches on the

Paving of streets how made.

Improvement bonds to be issued.

Amount of bonds and interest to be assessed on owners in ten payments.

Bonds exempt from taxation.

Horse railroad company to pave certain portion of streets.

outside of each rail with the same material and in the same manner as the said street or streets are or may be ordered to be graded or paved by said commissioners; and if the said horse railroad company should fail to grade or pave as hereinbefore required, the commissioners shall proceed to grade or pave the same, and assess and collect the sum due for the same, from any such horse railroad company, in the manner provided for the collection of other assessments in section fifteen of this act.

Construction of sidewalks, how made.

6. *And be it enacted*, That whenever a petition in writing shall be presented to said commissioners, signed by the owners of one-half of the number of lineal feet upon one side of any road, street or avenue in said district, or upon so much of one side thereof as lies between two points, not less than two hundred feet, named in said petition, requesting to have so much of the sidewalk of said street as lies between the said points named, and upon that side of the street named in said petition, laid with stone, plank or composition, and setting forth the material to be used and the width of walk to be made, not less than four feet, the said commissioners shall immediately proceed to lay the same or cause the same to be laid in accordance with the request of such petition, and when the cost of constructing such sidewalk shall have been ascertained by said commissioners, they shall assess said cost upon the owners of the lands fronting upon such sidewalks; *provided*, that in case a sidewalk shall have been already constructed of stone, plank or composition, or any part of the ground embraced in the terms of the petition, which in the judgment of the said commissioners shall be as good as that in said petition requested to be laid, they shall not take up such previously constructed sidewalk, except to regulate the grade, nor make any assessment against the owners of the lands for the number of feet thus previously laid, except for the expenses incurred in regulating such grade; *and provided also*, that any land owner on the said street shall have the privilege of laying said sidewalk in front of his own land, under the direction of said commissioners, if done within thirty days after the passage of the resolution directing such improvement to be made, unless the time shall be extended.

Proviso.

Proviso.

Notice of intention to be published.

7. *And be it enacted*, That whenever the said commissioners shall determine to make any improvement under section five of this act, they shall cause public notice to be

given of their intention to cause such improvement to be made, which notice shall be signed by the president and secretary of their board, and be published in some newspaper printed in the city of Newark, and circulating in said district, and which notice shall briefly describe the improvement proposed to be made, and shall request all persons who may object thereto to present their objections in writting, at the office of said commissioners, within ten days from the date of said notice, and at any time after the expiration of said ten days, the commissioners may proceed to consider such ordinance.

Assessments for improvements, how made.

8. *And be it enacted*, That whenever said commissioners shall have determined by ordinance to open, vacate, alter or widen any street or road, or to make any sewer or drain within said district, and to appropriate for such purpose any lands, it shall be lawful for them to appoint three disinterested persons residing in said district, appraisers, to make an assessment of the damages that any owners of lands so appropriated will sustain, and in estimating and assessing said damages the said appraisers shall have due regard, both to the value of the lands so taken with the improvements thereon, and to any special injury to the remaining lands of such owner or owners by making such improvement, and after making such award, the remaining lands or real estate of such owner shall be liable to assessment for the costs, damages and expenses of making such improvement.

Assessments, when confirmed by commissioners, to be binding on owners.

9. *And be it enacted*, That the said appraisers shall give one week's notice by advertisement in a newspaper published in the city of Newark, of the time and place of their first meeting, and they shall have power to examine witnesses under oath, to be administered by any one of them, and to adjourn from time to time, and to make the assessment aforesaid, and a certificate thereof, and to file the same with said commissioners, and the said assessment being ratified by the commissioners shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said commissioners shall then cause the same to be converted and used for the purposes aforesaid; *provided*, that any such owner or owners may appeal from said assessment to the circuit court of the county of Essex, within sixty days from such ratification, which court shall then order a trial by jury, to assess the damages sustained by the party appealing, the trial whereof shall be conducted as in other

Proviso.

cases of trial by jury, and any damages assessed as aforesaid, with interest from the date of assessment, or in case of appeal, the amount of verdict rendered, with interest from the date of entry of such verdict, shall be payable on demand, and in case of non-payment thereof, the person entitled thereto may sue for and recover the same against the commissioners of the Belleville polling district in an action of debt, with costs, in any court having cognizance thereof.

Costs, damages and expenses, how assessed.

10. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses for any improvements authorized under the first and second sub-divisions under section fifth of this act, the said commissioners shall ascertain the whole amount of such costs, damages and expenses, including therein discount and interest on money borrowed or expended in making such improvement, and shall cause to be made a just and equitable assessment thereof upon the owners of all lands benefitted thereby in proportion to the advantage each shall be deemed to acquire; and said commissioners shall appoint three disinterested persons residing in said district, assessors to make such assessment, who shall make a report in writing of such assessment, and before signing the same shall place the report in the office of said commissioners for examination by the parties interested therein, and shall give notice for the period of one week, in a newspaper published in the city of Newark, notifying all persons interested of a time and place when and where they can be heard by said assessors, and after hearing the parties the said assessors shall complete the report, making such alterations as they deem proper, and shall then sign and return the same to said commissioners, with all written objections thereto by parties interested.

Assessors to make assessment

Certain assessments to be made by surveyor.

11. *And be it enacted*, That the whole amount of the costs and expenses authorized under the third sub-division of the fifth section of this act shall be ascertained by said commissioners, and the assessment thereof shall be made by their surveyor, and shall be and remain a lien upon the land assessed from the time when such improvements respectively shall have been made, and the said surveyor after making his assessment upon the principal hereinbefore mentioned, shall make a report thereof, giving such notice and taking such proceedings, and exercising the same powers

as are herein given to the assessors, of costs, damages and expenses of improvements authorized under the first and second sub-divisions of said fifth section.

Assessments to be a lien when ratified.

12. *And be it enacted*, That the said commissioners, upon the return of the report and assessment of assessors or surveyor shall thereupon examine the matter, and correct, if necessary, said reports and assessments if they deem proper, and ratify the same, and when ratified the same shall be and remain a lien on the lands assessed, with interest thereon from the time of ratification until the same shall be paid; *provided*, that any correction made by said commissioners shall require a vote of two-thirds of all the commissioners.

Proviso.

Vacancies, how filled.

13. *And be it enacted*, That in case of a vacancy in the office of commissioner, appraiser or assessor, said commissioners may fill such vacancy for the unexpired term.

Power to remove and abate all nuisances, &c

14. *And be it enacted*, That said commissioners shall have power to remove or abate all or any nuisance or obstruction on any street, avenue, vacant lot or lots within said district at the expense of the person or persons causing or permitting the same.

Transcripts of assessments to be made.

15. *And be it enacted*, That upon the ratification of assessments made by assessors or surveyor, the treasurer of said commissioners shall prepare a transcript of such assessments, briefly describing therein the improvement for which such assessment was made, the names of the owners, if any be given, of lands assessed, and the amounts of assessments thereon, respectively, and enter the same in a book to be kept for that purpose, and said treasurer shall, immediately thereafter, give notice in a newspaper published in the city of Newark, and continue therein at least once in each week, for three successive weeks, requiring the owners of land assessed to pay the amount to him, with the interest, at his office, within thirty days from the first publication of said notice, and whenever any such assessments shall not be paid within the time required in such notice, it shall be the duty of said treasurer to cause further notice to be published in said newspaper for four weeks successively, at least once in each week, briefly describing therein the names of the owners who have neglected to make such payment, and the amount of such assessment, and stating that unless said assessments shall be paid on or before a time therein mentioned, he shall proceed to sell, by public auction, at his

Amount to be entered in a book.

Notice of payment to be given.

May sell lands at public auction

office, the lands on which said assessments shall be unpaid for the lowest term of years, not exceeding fifty years, for which any person will take the same and pay the amount of such assessment, with the interest and expenses thereon.

Treasurer to issue certificate of sale to purchaser.

16. *And be it enacted*, That at the time and place so appointed, or in case of any adjournment being made at that time, which said treasurer is hereby authorized to make, then at the time to which said sale shall be adjourned the said treasurer shall proceed to make such sale in accordance with said notice, and within five days thereafter shall execute and deliver a certificate of sale for the property by him purchased, signed by the president of said commissioners, and attested by said treasurer, which certificate shall recite the fact of assessment, advertising and sale, the date of sale, a short description of the property sold, the terms for which sold, the particular assessment, with interest and expenses, on account whereof sold, and the times of redemption thereof; and such certificate shall be presumptive evidence of the facts stated therein, and may be recorded in the office of said commissioners, and shall entitle the purchaser thereof, his representatives and assigns, to the property so by him purchased, for the term mentioned therein, and subject to redemption as therein contained; *provided*, that said certificates or assignments thereof shall be invalid unless recorded in the office of said commissioners.

Proviso.

Owner or mortgagee may redeem land.

17. *And be it enacted*, That any legal owner or mortgagee of any lands sold for said assessments may redeem the same within two years after such sale, by paying to said treasurer the said purchase money, together with such other assessments or taxes chargeable thereon, and which said purchaser may have paid, for the use of said purchaser, his representatives and assigns; *provided*, that interest shall, at the same time, for the same purpose, be deposited with said treasurer upon said payments, at the rate of fifteen per centum per annum, whereupon all proceedings in relation to said sale shall cease, and said treasurer shall cause the same to be refunded to said purchaser, his representatives or assigns, and if the person so redeeming, be a mortgagee of the premises, he shall thereafter have a lien thereon in like manner as if the same were included in his mortgage, and may enforce the same in the same manner.

Proviso.

18. *And be it enacted*, That if any land so sold shall not be redeemed as herein provided, a declaration of sale, signed

by said president and attested by said treasurer, describing said premises, the fact of assessment, advertisement and sale, and the period for which the premises were sold, shall be executed to said purchaser, his representatives and assigns, which declaration shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act; and the person in whose favor said declaration is made shall lawfully hold and enjoy the lands therein mentioned against all persons claiming under the owner thereof, until the term for which purchase shall be ended; and said declarations shall be recorded, in order to make the same valid, in the same manner as certificates of sale are directed to be recorded.

Purchasers to hold lands if property is not redeemed.

19. *And be it enacted*, That the compensation of said commissioners shall be two dollars per day, when in session, which session shall be on the last Monday in each month; they may also hold extra meetings without compensation, from time to time, as they shall see proper; and they shall keep a record of all their proceedings, which shall be open to the inspection of persons interested therein, at all reasonable hours.

Compensation of commissioners.

20. *And be it enacted*, That the record of proceedings of said commissioners shall be presumptive evidence of the facts therein contained; that said commissioners may make contracts for any work authorized under this act; that whenever such work exceeds in amount two hundred dollars, proposals therefor shall be advertised for two weeks in a newspaper published in the city of Newark, and shall at all times be given to the lowest bidder, upon satisfactory security, which contracts may also include the furnishing of materials for said work; and no commissioner shall be directly or indirectly interested in said contract, and any commissioner so interested, or who shall knowingly vote for the misappropriation of any money borrowed for any particular purpose, or any officer who shall knowingly carry or assist to carry such misappropriation into effect, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

May make contracts, &c.

No commissioners to be interested in any contract.

21. *And be it enacted*, That whenever proceedings shall be taken for the opening, altering, widening or closing of any street laid down on any of the aforesaid maps of said

Damages, when not allowed.

commissioners, it shall not be lawful to allow damages to be assessed for any buildings or any improvements which may be built or made in whole or in part on any such street subsequent to the filing of said maps.

First commissioners.

22. *And be it enacted*, That the term of office of said commissioners shall commence on the last Monday of the month in which shall be held the annual township election of the township of Bellville; that Gasherie De Witt, James H. Van Rensselaer, Hugh Holmes, Andrew Little, Theodore Sandford and John Spear, shall be the first commissioners, who shall hold their office for the term of one year, and at each annual township election within said district to be held after the next election the electors of said district shall elect six freeholders, who shall serve as said commissioners for one year; no ballot shall contain more than the names of four persons for such commissioners, and if more, all such names shall be rejected, and the six candidates receiving the highest number of votes shall be declared elected.

Power of commissioners to expend money.

23. *And be it enacted*, That for the purpose of making said original and other surveys and maps, and of doing all work necessary to lay out the streets and highways in said district, said commissioners are authorized to expend any sum not exceeding in the whole five thousand dollars, which sum shall be raised as in section five of this act, and the assessor of the township of Bellevile shall be required to assess so much thereof from time to time, as may be required and directed by said commissioners, by a general assessment upon all taxable property within said district; and all provisions relating to the collection of taxes shall apply to the collection of this assessment.

Appointment and duty of street commissioners.

24. *And be it enacted*, That said commissioners may, from time to time, appoint a street commissioner, who shall take the place of the overseers of the roads in said district, the office of which overseers is hereby abolished; and it shall be the duty of said street commissioner to keep the roads, sidewalks and streets in said district in repair, and he shall possess all the powers of overseers of roads, subject to the direction of said board of commissioners; and all road taxes to be raised in said district shall be ordered by said commissioners, who may raise and expend any amount by them deemed proper for said repairs, not exceeding fifty cents on the one hundred dollars of the taxable valuation of the property on any one street and the amount so assessed shall

Road tax, how assessed and collected.

be expended on said street in any year, and all road taxes ordered by them shall be assessed and collected in the same mode as herein provided for raising the sum required to meet the expenses of surveys and maps.

25. *And be it enacted*, That this act shall take effect on the day of the next township election in the township of Belleville, and all acts and parts of acts inconsistent with this act, are hereby repealed. Act, when to take effect. Repealer.

Approved April 6, 1871.

CHAPTER DLXV.

A Supplement to an act entitled "An Act to authorize the construction of works for supplying the city of Rahway, and places adjacent, with pure and wholesome water," approved April seventh, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-fourth and twenty-fifth sections of the act to which this is a supplement, and all that portion of the twenty-eighth section of said act following the word "immediately," are hereby repealed. Repealer.

2. *And be it enacted*, That the board of water commissioners shall consist of five members, of which board the mayor, or acting mayor, and the chairman of the committee on the fire department of the common council of the city of Rahway for the time being, shall be members ex officio, and the remaining three members shall be elected as hereinafter mentioned; the first board of water commissioners, in addition to the ex officio members, shall be composed of Jacob R. Shotwell, Dewitt C. Hough and Benjamin B. Miller, and as early as praticable the ex officio members shall call the first meeting of said board; at which meeting, or as soon as conveniently may be thereafter, said board shall elect a president, who shall hold his office until the first annual meeting, and the remaining members shall divide their seats Board of water commissioners. First board to be divided into classes.

by lot, whereof one shall be vacated in one year, one in two years, and one in three years from the first annual meeting next ensuing; *provided*, that the ex officio members of said board shall receive the same compensation and give the same bonds as the other members of said board.

Proviso.

Annual meeting.

3. *And be it enacted*, That said board shall hold its annual meetings on the first Monday in May, yearly and every year, at ten o'clock in the forenoon; that it shall annually elect, from its own body, a president, or in case of a vacancy in his office, or of his absence, may elect a president pro tempore, and shall determine the rules of its own proceedings.

Election of commissioners.

4. *And be it enacted*, That at the charter election to be held in said city, in the year one thousand eight hundred and seventy-two, and each year thereafter, there shall be elected one commissioner, who shall hold his office for three years next ensuing the first Monday in May thereafter, and until his successor is elected; when any vacancy shall occur, the common council of said city shall elect, by ballot, a commissioner to fill such vacancy, who shall hold his office for the unexpired term only; and if any commissioner shall not be chosen at any election by reason of two or more having an equal number of votes, the common council shall elect by ballot such officer from the candidates having such equal number of votes; all commissioners shall be electors and residents of said city; and every member of said board, before entering upon the duties of his office, shall give a bond in the sum of ten thousand dollars, with two good and sufficient sureties, to the mayor and common council of the city of Rahway, and to be approved by said common council, for the faithful performance of his duties as such commissioner.

Vacancy, how filled.

Act revived.

5. *And be it enacted*, That the act to which this is a supplement is hereby revived and continued in force, except so far as altered by this act.

Amendment.

6. *And be it enacted*, That section one of the original act to which this is a supplement be so amended as to read after the word "branches," and before the word "is," "or from such other source as the commissioners may think best."

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

Approved April 6, 1871.

CHAPTER DLXVII.

An Act to provide for the cession and transfer of the rights, privileges and franchise of the Newark and Clinton Plank Road Company, in and to a portion of the old Public Highway leading from Newark to the town of Irvington, formerly called Camptown, to the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever "The Newark and Clinton Plank Road Company" shall cede and transfer to the city of Newark all their rights, privileges and franchises in and to so much of the old public highway leading from said city of Newark to the town of Irvington, formerly called Camptown, as lies within the corporate limits of the said city, and shall file one copy of their act of cession and transfer in the office of the city clerk of said city of Newark, the said The Newark and Clinton Plank Road Company shall be released and discharged from all authority and control over that part of the said old public highway, and from all liability on account of the same, and the same shall thenceforth be, to all intents and purposes, a public street or highway of the city of Newark, and the common council of said city shall have and exercise the same jurisdiction, authority and control over the same as over the other streets and highways of the said city, without, however, affecting the use of such parts of the said old public highway as may be occupied by or with railroad tracks; *provided*, that nothing in this section contained shall be so construed as to prevent the said The Newark and Clinton Plank Road Company from charging and collecting the same rates of toll upon that part of the said old public highway not included within the corporate limits of said city of Newark, as their charter and its amendments provide, as if this act had not been passed; but no toll gate shall be erected or used in the said city of Newark.

Rights, privileges, &c., ceded to city of Newark.

Provis'.

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

Approved April 6, 1871.

CHAPTER DLXVIII.

A Further Supplement to an act entitled "An act respecting Public Schools in the town of Phillipsburg," approved March ninth, one thousand eight hundred and sixty-nine.

Common council empowered to issue "public school bonds."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the town of Phillipsburg, to issue bonds under their corporate seal and the signature of the mayor, countersigned by the chairman of the committee on finance for the time being and attested by the town clerk, for an amount not exceeding fifteen thousand dollars, in sums not less than fifty dollars and not exceeding one thousand dollars, to be designated and styled "public school bonds," bearing interest payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached and payable at such time or times as may be agreed upon by the common council of the town of Phillipsburg, not less than five years and not exceeding thirty years from the date thereof; pledging the credit and the whole property of the town of Phillipsburg, for the payment of the same, which bonds it shall be lawful for the common council of the town of Phillipsburg to sell for the best prices they can obtain for the same, as the proceeds of the same may be needed; *provided*, that said bonds shall not be sold or disposed of for a less sum than their par value.

Tax for payment of bonds, &c., to be assessed and collected.

2. *And be it enacted*, That the common council of the town of Phillipsburg shall have power and authority and shall be required to provide by taxation for the payment of the "Public School Bonds" and the interest thereon and said council shall yearly and every year until said bonds shall be redeemed and paid off, order or cause to be assessed, levied and collected by tax at the time and in the manner that other taxes in said town are assessed, levied and collected, a sum of money sufficient to pay and discharge the principal of said bonds at the several times it shall become due and payable, and the interest on said

bonds as the same shall become due; *provided*, that not less than one thousand dollars nor more than five thousand dollars, of the principal of said bonds shall be made redeemable in any one year. Proviso.

3. *And be it enacted*, That whenever the commissioners of public schools of the town of Phillipsburg, shall by resolution, signed by their president, countersigned by their secretary and sealed with their corporate seal, request the common council of said town to deliver to the treasurer of the board of education of said town to be applied to the purposes hereinafter specified a sum or sums of money not exceeding at any one time seven thousand dollars and not exceeding in the whole fifteen thousand dollars; said common council shall, within the space of thirty days thereafter, deliver to said treasurer at their option the sum or sums so requested in cash or "public school bonds," and take said treasurer's receipt therefor, and in case said common council shall neglect or refuse for the space of thirty days to deliver to said treasurer the sum or sums requested by resolution as aforesaid, after said request has been presented to said common council, or to the president of said common council then it shall be lawful for the commissioners of public schools of the town of Phillipsburg, to issue bonds under their corporate seal and the signature of their president, countersigned by their secretary, for an amount not exceeding the sum or sums requested as aforesaid, in sums not less than fifty dollars and not exceeding one thousand dollars, to be designated and styled "public school bonds," bearing interest payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached and payable in not less than three years and not exceeding thirty years from the date thereof, pledging the credit and the whole property of the town of Phillipsburg for the payment of the same, which bonds it shall be lawful for said commissioners of public schools to sell for the best prices they can obtain for the same, not less than ninety cents on the dollar, and which bonds the common council of the town of Phillipsburg shall be required to redeem and pay as they shall become due and payable, in the manner specified in the second section of this act.

Money to be delivered to treasurer of board of education.

Commissioners of public schools may issue bonds.

4. *And be it enacted*, That the commissioners of public schools of the town of Phillipsburg shall apply the net pro-

Money to be used for purchasing sites and building school houses.

ceeds of the public scohol bonds at such time or times as they may deem necessary to the purchasing of sites, the erection of public school buildings, the furnishing and repairing of the public school buildings, and to no other purpose whatever.

Election of president and treasurer.

5. *And be it enacted*, That the commissioners of public schools of the town of Phillipsburg shall convene on the twenty-second day after the annual charter election in said town in each year, and shall proceed to elect one of their number to be their president for the ensuing year, and at the same meeting shall elect a treasurer for the same time, and said treasurer shall give bonds to said board of education of the town of Phillipsburg, in its corporate name, in such sums and with such good and responsible freehold sureties as said board of education may approve (not less than twenty thousand dollars,) for the faithful performance of his duties.

Purposes for which money shall be expended.

6. *And be it enacted*, That the treasurer elected in each year by the commissioners of public schools of the town of Phillipsburg shall receive and take charge of all school moneys belonging to the school district of Phillipsburg, whether received from the State appropriation, from town tax or from other sources, and shall pay over said moneys only on the order of the commissioners of public schools of the town of Phillipsburg or a majority of them, and only for the purposes for which said moneys are assessed, levied and collected, to wit: for the purchasing of sites, the erecting of public school buildings, the furnishing and repairing of the same, and for the current expenses of the public schools of said town.

Duties of collector.

7. *And be it enacted*, That the town collector of the town of Phillipsburg shall pay over unto the treasurer of the board of education, of the town of Phillipsburg, all school moneys received or collected by him on or before the twenty-fourth day of December, in each year, and that all moneys hereafter collected on warrants for the collection of delinquent taxes in the several wards of the said town of Phillipsburg, for school purposes, shall be paid over, from time to time, by the collector or other officer executing said warrant, and at least once in each month, unto the treasurer of said board of education of the town of Phillipsburg, and to no other person; and said collector or other officer executing said warrant shall, on or before the first day of April, then next ensuing, make a return of said warrant to the justice who issued the same, with a full return of the proceedings thereon,

and shall at the same time make a full return and statement to the board of education of the town of Phillipsburg, setting forth the amount of money received by him thereon, the sum, if any, remaining unpaid, the names of all persons still in arrears, and the sums due from them respectively, which statement he shall verify by oath.

Penalty for neglecting or refusing to perform duties.

8. *And be it enacted*, That if the said collector or other officer, having the duplicate or tax warrant, shall neglect or refuse to perform any of the duties made incumbent on him by the provisions of this act, or the act to which this is a supplement, or shall loan or embezzle any of the school funds by him received or collected, he shall be liable to forfeit and pay a penalty of five hundred dollars, to be recovered with costs of suit, by the board of education, of the town of Phillipsburg, in its corporate name, in an action of debt in any court having cognizance thereof, and when recovered to be appropriated to the support of the public schools of the town of Phillipsburg.

Fiscal year, when to begin.

9. *And be it enacted*, That hereafter the financial and statistical reports required by law to be made by the board of education of the town of Phillipsburg, shall be made on or before the first day of October, in each year, and that the fiscal and school year shall hereafter begin on the first day of September, and shall end on the thirty-first day of August, in each year.

Act, how to be construed.

10. *And be it enacted*, That nothing in this act shall be construed to repeal the act entitled "A supplement to an act entitled 'An act respecting public schools in the town of Phillipsburg, Warren county,'" approved March ninth, one thousand eight hundred and sixty-nine.

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

Approved April 6, 1871.

CHAPTER DLXIX.

A supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth.

Common council may improve Elizabeth river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the city of Elizabeth, whenever in their opinion the public good requires it, by ordinance to improve Elizabeth river or any section or sections thereof running within the limits of said city, by widening, straightening and deepening the channel of said river to such a width and debth as to make the same easily and safely navigable for vessels of such tonnage as will be likely to use the same, and to allow a proper ebb of the tide to carry away all noxious substances from the sewers, and to take and appropriate for such purpose any lands and real estate necessary therefor, upon making compensation to the owner or owners thereof, in the manner provided for opening streets in said city.

Costs, damages and expenses to be assessed on owners of lands benefitted.

2. *And be it enacted*, That said ordinance shall be introduced and passed, and damages assessed in the same manner that ordinances are now introduced and passed, and damages assessed for opening streets; that after said improvements or any one of them are completed, the city council shall ascertain the costs, damages and expenses of said improvement, and shall cause to be made a just and equitable assessment thereof upon the owners of all lands and real estate benefitted thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire, in the same manner in all respects as now provided for assessing the costs, damages and expenses of opening streets in said city, and said assessment shall be a lien on said property and the owners thereof, and be collected and paid in the same manner as city assessments for street and sewer improvements.

Commissioners to make report, &c.

3. *And be it enacted*, That the city council shall appoint three commissioners to report to the city council proper

plans, complete in all their details, for making said improvement; that after the city council have adopted said plans, they shall employ some competent engineer to superintend said improvement, and all work shall be done under his supervision.

Power of city council to authorize shore owners to widen creek.

4. *And be it enacted*, That the city council shall have power to authorize any shore owner to increase the width of said creek in front of his lands, for the pnrpose of affording additional dock room for vessels, not more however than forty feet on each side thereof, by excavating to the full depth ordered by the city council, and whenever such widening shall be carried out by any shore owner at his own expense, the right to lay, load or unload vessels therein shall become the exclusive privilege of such shore owner.

Lands exempted from provisions of certain acts.

5. *And be it enacted*, That the lands within the city of Elizabeth, bordering on said creek, be and hereby are exempted from the provisions of any bill authorizing the drainage or improvement of tide water marshes or swamp lands.

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

Approved April 6, 1871.

CHAPTER DLXXI.

A Further Supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Power of council to raise money for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have power and they are hereby authorized to raise by general taxation, a sum of money not exceeding six thousand dollars, for the purpose of purchasing land and erecting a suitable brick building thereon, in that part of the city of Hoboken, known as the "Coster estate," for the use of hook and ladder company number two, of said city.

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

Approved April 6, 1871.

CHAPTER DLXXII.

An Act to incorporate the People's Horse Railway Company, of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Timothy W. Lord, William A. Ripley, F. F. Paterson, William H. McClave, James L. Hays, James G. Irwin, A. M. Reynolds, Samuel Atwater, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law,

Name.

by the name of the "People's Horse Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary and proper for the objects of this corporation.

Capital stock.

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

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions of the capital stock of said company, when and where they, or a majority of them, shall think proper, giving at least thirty days' notice of the same, in two newspapers in the county of Essex, and at the time of subscribing for said stock, ten per centum shall be paid upon the amount subscribed for, to said commissioners, or some one of them; as soon as fifteen thousand dollars of the capital stock is subscribed for, such commissioners shall give

Election of directors.

notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this State; three of the above named persons shall be inspectors of the first election of stockholders of said corporation, and shall certify under their hands, the names of those persons

duly elected, each share being entitled to one vote, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors, and the directors chosen at each meeting, or at the annual meeting of said corporation, shall as soon as practicable after such election, choose out of their own number a president, who shall be a resident of this State; and in case of the death, resignation or removal of the president, or any director, such vacancy may be filled for the remainder of the year by the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Vacancy, how filled.

4. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said company, by such instalments and at such times as they may direct, by giving twenty days' notice in two of the newspapers published in the county of Essex; *provided*, that no instalment shall exceed five dollars on each share, and that no instalment shall be required to be paid within thirty days of the other; and in case of non-payment of said instalments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem fit, and to establish and affix such salaries to them and to the president, as to the said directors shall seem proper.

Power to call in stock, &c.

Proviso.

5. *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 through and along Hamburgh Place to Lafayette street, along Lafayette street to New Jersey Railroad avenue, and across New Jersey Railroad avenue to Fair street, (when opened,) to Broad street; also through and along Hamburgh Place to Ann Street, along Ann Street to New York avenue, along New York avenue and across the New Jersey Railroad to Cot-

Power to lay out, survey and construct a railroad.

tage street, along Cottage street to Mulberry street, along Mulberry street to Fair street, along Fair street and across Broad street to William street, along William street to Plane street, along Plane street to Orange street, along Orange street to Broad street, along Broad street to Washington street, along Washington street to Market street, and along and across Market street to Washington street, along Washington street to William street, and such other streets in the city of Newark, as may be deemed expedient by said company, the consent of the city council being first had and obtained; and shall also have power and authority to connect with any railroad now built, or that may hereafter be built in said city of Newark, and may build and operate the whole or any part of said road, as may be deemed to the best interest of said Company.

Permission of common council to be first obtained.

6. *And be it enacted*, That before commencing the work of laying tracks, the president and directors of said company shall first obtain the permission of the common council of the city of Newark, which permission may be granted upon such conditions and with such restrictions as the said common council may designate and impose, and the said railroad and the rails thereof, shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street in which said road may be located.

May purchase equipments, &c.

7. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, and place on said railroad, cars, wagons, carriages or vehicles, for the transportation of persons or any species of property, with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used on said railroad; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they from time to time shall think reasonable and proper; *provided*, they shall not charge more than six cents a mile, for each passenger, or ten cents a ton per mile for the transportation of any kinds of merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages, such reasonable rates as shall be fixed by the board of directors; or six cents per ton per mile for every ton, one cent per mile for every passenger carried on said railroad in the carriages of

Proviso.

others, but no single fare for a passenger shall be less than five cents; *provided always*, that the carriages so used, thereon, shall be of the same description in the formation of the wheels and length of axles, as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are. Proviso.

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

9. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate, at or near the commencement and termination of said road, and on such points along the line of the road, as may be necessary for the convenient transaction of business, not exceeding one acre in each place, and may erect thereupon depots, warehouses, stables, and such other buildings and improvements as they may deem expedient. May purchase, have and hold real estate.

10. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company, shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road, and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this State, a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads, over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, Annual statement to be made. State tax.

including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

Penalty for injuring works.

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

May borrow money.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to carry on the business successfully, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road and appurtenances belonging to the said corporation.

May make contracts with any other company.

13. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or individual, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare as the said company are entitled to demand and receive by virtue of this act for transportation and passage over their own road.

Limitation.

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

Repealer.

15. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DLXXIII.

An act to legalize the vote of the people of the township of East Windsor, concerning the raising of money to erect a Soldiers' Monument in said township.

Preamble.

WHEREAS, the legal voters of the township of East Windsor, in the county of Mercer, at a regular township election held March eighth, one thousand eight hundred and seventy, did unanimously vote, to raise by taxation upon the taxable property of said township, the sum of twelve hundred dollars towards the erection of a monument to the memory of the soldiers of said township who fell in battle and died from disease contracted while in the service of their country during the late war; AND WHEREAS, no part of said sum of money has been assessed and raised by taxation by reason of doubts having arisen as to the legality thereof; therefore,

Acts and doings legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the legal voters of the township of East Windsor, mentioned in the preamble of this act, in voting to raise by taxation upon the taxable property of said township, the sum of twelve hundred dollars towards the erection of a monument to the memory of the soldiers of said township of East Windsor, who fell in battle and died from disease contracted while in the service of their country during the late war, are made valid in all respects, and binding upon the inhabitants and taxable property in said township.

Money to be assessed and collected.

2. *And be it enacted*, That the said sum of money be assessed and collected in the manner now prescribid by the act relative to the collection of taxes in said township.

3. *And be it enacted*, That this act shall take effect immediately, and be taken and held as a public act.

Approved April 6, 1871.

CHAPTER DLXXIV.

A Supplement to an act entitled "An act in relation to Streets, in Union township, Union county."

Officers to take oath and give bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners and officers appointed by them under the provisions of the act to which this is a supplement, shall take an oath before some person authorized to administer the same, faithfully, fairly and impartially to discharge the duties of their office; and the said commissioners shall require every person entrusted with the moneys, bonds or property of the said corporation, to give bonds with full and ample security for the safe keeping and disposal of the same.

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

Approved April 6, 1871.

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CHAPTER DLXXVII.

An Act for the relief of Robert W. Sparks.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State, to Robert W. Sparks, of Camden county, a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him quarterly, during his lifetime.

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

Approved April 6, 1871.

CHAPTER DLXXX.

An Act for the relief of William D. Bedford.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be, and he is hereby authorized and required to pay to William D. Bedford, of the county of Union, who was a soldier in the war of one thousand eight hundred and twelve, or to his order, the sum of one hundred dollars per annum during his natural life, in equal quarterly payments of twenty-five dollars each. Pension.

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

Approved April 6, 1871.

CHAPTER DLXXXI.

An Act for the relief of Ephraim Howard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State to Ephraim Howard, of Westfield township, Union county, a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him quarterly during his lifetime. Pension.

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

Approved April 6, 1871.

CHAPTER DLXXXII.

An Act to confirm the proof and acknowledgments of deeds and other writings taken by John H. Stansborough, a commissioner of deeds in and for the connty of Morris.

Preamble.

WHEREAS, it is represented that John H. Stansborough, of the township of Morris, in the county of Morris, a commissioner appointed and duly commissioned to take the proofs and acknowledgment of deeds, &c., and under such commission did take the proof and acknowledgment of certain deeds and other writings, and by examination of the records at the office of the secretary of state, no such vacancy did exist at the time of his appointment by the Legislature for the said township of Morris, in the county of Morris; therefore,

Acknowledgements made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds and other writings taken and certified by said John H. Stansborough, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held and taken, and adjudged to have the same force and effect as if the same had been taken by a commissioner duly and legally qualified to take the same.

2. *And be it enacted*, That this act shall be held and taken as a public act, aud that it shall take effect immediately.

Approved April 6, 1871.

CHAPTER DLXXXIII.

A Supplement to an act entitled "An act for the relief of the county of Hudson," approved March eighteenth, one thousand eight hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of an act entitled "An act for the relief of the county of Hudson," approved March eighteenth, one thousand eight hundred and fifty-nine, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That it shall be lawful for the court of common pleas or the court of general quarter sessions of the peace, or any or either of the judges thereof, at any time to examine into the commitment of any person committed to or detained in the jail of the county of Hudson, for securing his or her appearance as a witness against any person charged with a crime or misdemeanor, and discharge such person from custody by writing under his or their hands and seals, or bind such person by recognizance to the proper court, or recommit such person to the jail of the county of Hudson, as such court or judges or judge shall deem proper. Judge may discharge or commit witnesses.

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

Approved April 6, 1871.

CHAPTER DLXXXIV.

An Act for the relief of Sarah Jarman.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this State, to Sarah Jarman, Pension.

of the county of Salem, widow of George Jarman, who was a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum, thereafter, to be paid to her quarterly during her life time.

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

Approved April 6, 1871.

CHAPTER DLXXXV.

An Act to authorize the Mayor and Aldermen of the city of Paterson to borrow money for the payment of existing debts and liabilities, and issue bonds for the same.

Mayor and aldermen may issue coupon bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and aldermen of the city of Paterson to issue coupon bonds under the corporate seal of said city and the signature of the said mayor, for an amount of money not exceeding one hundred thousand dollars, in such sums, and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the mayor and aldermen, or their assigns, to sell and assign, and for any vendee or assignee to purchase and hold.

Proceeds, how applied.

2. *And be it enacted*, That it shall be the duty of the said mayor and aldermen to apply the net proceeds of the said bonds to the payment of such debts and liabilities of said city as are now existing and cannot be lawfully paid by the proceeds of any bonds now authorized by law.

Taxation to be provided for payment of bonds.

3. *And be it enacted*, That the said mayor and aldermen shall have power to provide by taxation for the payment of said bonds, and the interest thereon, as the same shall become due.

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

Approved April 6, 1871.

CHAPTER DLXXXVI.

A Further Supplement to the act entitled "An Act amendatory of the act to regulate sales of real estate, made under a public statute or the direction of a court," which amendatory act was approved April fifth, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in the county of Essex, the advertisements of sales and of adjournments thereof, mentioned in the act to which this is a further supplement, may, in addition to the publication now required, be published in any newspaper of the county printed in the German language, circulated in the neighborhood of the property to be sold, whenever the sale, in the opinion of the officer having charge thereof, will be promoted by the publication hereby authorized; for which publication the same fees shall be allowed and paid as in other cases. Advertisements, &c., of sales to be published in paper printed in German language.

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

Approved April 6, 1871.

CHAPTER DLXXXVII.

An Act to amend an act entitled "An Act concerning roads, in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of said act entitled "An Act concerning roads, in the township of Hackensack," approved March tenth, one thousand eight Amendment.

hundred and seventy, be amended by striking out the words "without cost" after the words "which the said board may acquire;" also, by inserting after the words "any portion of his or her land," and before the words "and shall execute a deed," the following: "and shall grade the same and put it in good condition as a highway;" also, by inserting at the end of said section the following: "that no public park shall be accepted by said board except on the written application of twelve freeholders of the district in which the proposed park is situated; that said application shall be accompanied with a map of the same, which said map and application may be presented to the board at any meeting thereof, and shall be filed in the office of said board, and open to inspection at all reasonable times; that thereupon, if the majority of said board shall deem it expedient, they shall cause a notice to be published for two weeks in a newspaper printed and published in the county of Bergen, and a printed notice to be posted in ten public places in said district, describing said proposed park, and reciting that the said map and application are on file at the office of said board, and calling a meeting of the freeholders of said district, at a time and place specified in said notice; that if a majority of the said freeholders present at said meeting shall vote in favor of accepting said park, said commissioners shall then make such assessment on the lands benefitted in said district as may be deemed necessary for the purpose of acquiring said land and paying the expenses of said proceeding, and shall thereupon file said application and map, or a copy of said map, with their acceptance endorsed thereon, signed by a majority of said board, in the office of the clerk of the county of Bergen, and the same shall from that time be a public park, and be improved and kept in order by the commissioner of said district; but no more shall be expended on the same in any one year than the freeholders, at their annual meeting in said district, shall determine."

Amendment.

2. *And be it enacted*, That section five of said act entitled "An Act concerning roads in the township of Hackensack," be amended by striking out the words "to be posted in five public places," and inserting instead thereof the words "by a printed handbill, or a handbill partly printed and partly written, to be posted conspicuously in at least ten public places."

3. *And be it enacted*, That section six of said act entitled "An Act concerning roads in the township of Hackensack," be amended by adding to the end of said section the following words: "said assembly shall be convened at four o'clock in the afternoon, and no decision, vote or appropriation shall be valid unless at least twelve freeholders of said district shall be present and take part therein; and if twelve freeholders of said district are not present on the day appointed as aforesaid, the said commissioners shall adjourn said meeting from day to day until said number of freeholders are present, and a majority of those present shall be required to give validity to a decision, vote or appropriation; that a minute of the proceedings of said meeting shall be made by the commissioner of the district, to be entered in the book of minutes, which minute shall specify the names of at least twelve freeholders present at the assembly." Amendment.

4. *And be it enacted*, That section eight of said act entitled "An act concerning roads in the township of Hackensack," be amended by striking out all of said section eight beginning with the words "requiring all persons interested therein to appear," and all the remainder of said section to the end thereof, and inserting instead thereof the following: "and by printed handbills or handbills partly printed and partly written, posted conspicuously in ten or more public places in such district, stating that such map is open for inspection, and requiring all persons interested therein to appear before said board at a convenient time and place, to be specified in said notice, when and where the said board shall hear and weigh all objections to the said improvements; and if at said time any one or more parties interested desire an adjournment of said hearing, and give notice in writing to said board of such desire, said hearing shall be adjourned to such other time as may be determined upon by said board; that after said hearing, the commissioners shall appoint a committee of their number to examine the route of the proposed road, and to report upon the feasibility and advisability of the same, and what changes, if any, should be made therein; and thereupon the said board shall decide and determine upon the necessity of such proposed improvement, and if the said board shall decide and determine in favor thereof, they shall make their decision in writing, and shall award such damages as they may deem Amendment.

just to each and every person affected thereby, and assess such lands as they may deem benefitted in proportion to the benefit in their judgment received by the owners thereof; that within five days after making said assessment as aforesaid, a printed or written, or partly printed and partly written notice shall be addressed to each individual or party so assessed, and deposited in the post office at Englewood, stating the amount of said assessment against said individual or party for said improvement, and that said assessment will remain open at the office of said company for examination and inspection by all persons interested therein, at all reasonable times during the fifteen days next succeeding the depositing of said notice in said post office, and that said board will attend at their office on a day subsequent to the expiration of said fifteen days, and also on one or more evenings, not exceeding three evenings in all, if so required by any party or parties interested, to hear and weigh all objections thereto; that said board shall thereafter reconsider said assessment and make any alterations therein they may deem just, and thereupon they shall confirm said assessment, and within ten days after such confirmation file a map of the said improvement as finally determined upon by them with their aforesaid written decision, and said assessment so confirmed, and award so made, in the office of the clerk of the county of Bergen; that the said board shall give notice of such filing by publication in a newspaper printed and published in the county of Bergen, once a week, for four weeks, and the determination of the said board shall be final and conclusive in the premises, unless an appeal is taken to the court of common pleas of the county of Bergen, within the time and in the manner provided for in this act."

Amendment.

5. *And be it enacted*, That section eleven of said act entitled "An act concerning roads in the township of Hackensack," be amended by inserting the word "last" after the words "may within forty days from the first publication of the" and before the word "notice."

Approved April 6, 1871.

CHAPTER DLXXXVIII.

An Act to authorize the inhabitants of the townships of Rockaway and Boonton, county of Morris, to raise money to erect a Soldiers' Monument in each of said townships.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the inhabitants of either of the said townships of Rockaway and Boonton, in the county of Morris, at any regular town meeting, to vote by ballot to raise by taxation any sum of money not to exceed three thousand dollars in each township to be used by the township committees of said townships in erecting a monument at such place in each of said townships as the said committees may authorize, in memory of such soldiers of said townships who fell in battle and died from disease contracted while in the service of their country during the late war.

Inhabitants authorized to raise money by taxation for the erection of a monument.

2. *And be it enacted*, That the votes for or against the same may or shall be taken and polled in the same manner as votes for raising money for school, road and other township purposes in said townships; and that the moneys to be raised and collected to carry out the provisions of this act shall be assessed and collected in the same manner as all other taxes are assessed and collected in said townships for township, county and state taxes.

Tax, how assessed and collected.

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

Approved April 6, 1871.

CHAPTER DXCI.

A supplement to an act entitled "An act to incorporate The Hackensack Improvement Commission," approved April first, one thousand eight hundred and sixty-eight,

Commission empowered to lay out and open streets, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That The Hackensack Improvement Commission are hereby invested with full and exclusive powers within the commission limits to lay out and open streets, roads and avenues (not to exceed one hundred feet in width), and to widen (not beyond said width), alter and vacate any street, road or avenue now existing or hereafter to exist, and to take any lands necessary therefor; upon laying out, widening or altering any street, road or avenue, said commission shall make an assessment of the damage, if any, the owner of any land or real estate, buildings or improvements taken therefor, will sustain thereby over and above the advantage that will in their judgment accrue to said owner; any owner dissatisfied with said assessment, may within twenty days thereafter, on two days' notice to said commission, apply to a justice of the supreme court, who shall appoint three disinterested freeholders, residing in said county, to review said assessment, taking into consideration the advantage and disadvantage to accrue to said owner, whose report shall be made within twenty days and be final and conclusive.

Board of commissioners.

Vacancy, how filled.

2. *And be it enacted*, That at the next annual election and triennially thereafter, only one commissioner shall be chosen; and hereafter the board shall consist of five persons, three of whom shall be a quorum; all vacancies which shall hereafter occur by death, resignation or removal beyond the limits, shall be filled by special election for the unexpired term, on the second Tuesday after such vacancy occurs; whenever the first day of June falls on Sunday, the annual election shall be held on the last day in May.

3. *And be it enacted*, That said commission shall have power to borrow the money for the cost of all sewers con-

structed or to be constructed, and to issue bonds and certificates of indebtedness therefor, from time to time, payable at any time not exceeding five years, and to provide for the payment thereof by assessment on the lands benefitted of not less than one-fifth thereof per annum; and said commission are hereby authorized and empowered to locate and construct whenever they think the same necessary, an outlet sewer through Anderson street from the Hackensack river, to any point in said street east of the centre of Linden street and also through Park street or Union street to Passaic street.

Power to borrow money and to issue bonds and certificates.

4. *And be it enacted*, That the said commission shall have power to form such and so many fire engine, hose, and hook and ladder companies as they may deem necessary, which shall be subject to the direction, authority and control of said commission at all times; and said commission are hereby invested with full power to procure, build, repair, maintain and preserve engines, engine houses, cisterns and reservoirs of water, ladders, buckets, and all necessary implements and machines, and to purchase the real estate necessary, and to incur such other expenses as to said commission shall appear best calculated to protect property within the commission limits from injury or destruction by fire; but the whole amount expended under this section shall not in any year exceed such sum as shall be authorized for fire purposes by majority vote at the annual election; the moneys needed and so voted for the aforesaid purpose, shall be certified to the assessors of Lodi and New Barbadoes, and shall thereupon be assessed, levied and collected by the assessors and collectors of said townships, upon the same property and in the same manner, and at the same times as township taxes are, within the same limits; and said commission shall have power to borrow said moneys, or any part thereof; the chief engineer shall be nominated by the companies and appointed by the commission.

Empowered to establish a fire department.

Chief engineer.

5. *And be it enacted*, That every person while an actual member of a company organized under this act, shall be exempt from all jury duty and all militia duty and military tax in time of peace; and every person who shall have been a member of such company for seven years, and shall have a certificate of such fact from said commission, shall be forever exempt from such duty and such tax.

Members of fire companies exempt from jury and militia duties.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DXCII.

An Act to create a road district in Lebanon and Bethlehem townships, in the county of Hunterdon.

Public roads made into one district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the public roads lying and being in school district known as Mondalia school district, in the village of Clarksville, and the road through Main street, in Clarksville, up from said school district as far as George Foos' brook to the blacksmith shop, and the branch roads from main road to the distance of three hundred yards, be and they are hereby constituted and made into one road district.

Moneys assessed, &c., to be applied to the repairs of roads.

2. *And be it enacted*, That all road moneys assessed and levied on the inhabitants residing within said district shall be applied to the repairs of roads within said district, and to repair sidewalks within the same; and all road moneys are to be levied and collected by the assessor and collector as they now are, and the township committees of the townships of Lebanon and Bethlehem shall set off to said district all road moneys assessed in said district.

Commissioners to apply moneys.

3. *And be it enacted*, That the road commissioners of the township of Lebanon shall be the commissioners of this district, and apply the moneys as aforesaid.

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

Approved April 6, 1871.

CHAPTER DXCIII.

A Supplement to an act entitled "An act to provide for the working of roads in the township of Lodi, in the county of Bergen," approved March twenty-first, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of said act be and the same is hereby amended by striking out the word "freeholders" wherever it occurs, and substituting therefor the words "legal voters." Amendment.

Approved April 6, 1871.

CHAPTER DXCIV.

A Further Supplement to an act entitled "An act to incorporate Morristown," approved April sixth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso contained in the sixth section of an act entitled "A further supplement to an act entitled 'An act to incorporate Morristown,'" approved April sixth, one thousand eight hundred and sixty-five, which supplement was approved March second, one thousand eight hundred and seventy, be and the same is hereby repealed. Repealer.

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

Approved April 6, 1871.

CHAPTER DXCV.

An Act to divide the township of Lebanon, in the county of Hunterdon, into two election districts, to be known as East and West Lebanon respectively.

Township divided into two election districts

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Lebanon, in the county of Hunterdon be, and the same is hereby divided into two election districts, as follows: were a straight line to be run and established from the point where Dairy Run flows into the Musconetcong creek, in the line between Hunterdon and Warren counties, to the line of the new township of High Bridge on a course that would strike the northwest corner of the Silverthorne school house; and all that territory lying on the east side of said line shall be known as East Lebanon; and all that territory lying on the west side of said line shall be known as West Lebanon; and the legal voters of East Lebanon shall hold their first annual election and their ensuing town meetings thereafter, at the hotel of Joseph Bonnell, White Hall, in said township, and thereafter at such place as they may, by ballot, determine at said first election; and the legal voters of West Lebanon shall hold their first annual election and their ensuing town meetings thereafter, at the hotel of Dennis Sullivan, at Junction, in said township, and thereafter at such place as they may, by ballot, determine at said first election; and that the present ballot box of said township of Lebanon shall remain the property of the legal voters of East Lebanon, to be used by them for all elections and town meetings, as now provided by law; and that the town committee of said township are hereby directed and required to furnish a new ballot box for the use of the legal voters of West Lebanon.

Time and place of holding first elections.

Officers of election.

2. *And be it enacted*, That Nathan Lance shall be the first judge of election; and Mansfield H. Beatty shall be the first clerk in East Lebanon; and Johnson D. Banghart shall be the first judge of election, and William K. Carkey shall

be the first clerk in West Lebanon, who shall hold their said offices respectivly, until others are duly elected and chosen in their stead; and that legal voters of said districts shall, at all elections hereafter to be held, select from among their number present at the time of opening the polls in said district, two additional judges in each district, to complete the board of election as now required by law; all of whom shall take the same oaths of office, and be subject to the same pains and penalties, and shall receive the same compensation for their services as like officers now receive by law.

Act, how to be construed.

3. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or affect in any way the existing rights of said township of Lebanon or its inhabitants, it being the express design and intention of this act to provide the legal voters of said township with greater facility and convenience to exercise the right of suffrage.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, in so far as they conflict herewith, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect on the first day of July next.

Approved April 6, 1871.

CHAPTER DXCVI.

An Act to concerning roads in the township of Lebanon, in the county of Hunterdon.

Control and management of roads vested in board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the exclusive control, management, regulation and repair of roads and highways in the township of Lebanon, in the county of Hunterdon, shall be vested in a board of commissioners of roads and highways of said township, to be composed of five resident freeholders of said township, who, other than those named in this act, shall hold their office for five years, and shall be elected at the annual town meeting held in said township.

Power of board of commissioners

2. *And be it enacted*, That the office of overseer of highways in the said township of Lebanon, is hereby abolished, and that the commissioners hereby provided for shall, within the limits of said township, have the same powers, perform the same duties, receive the same compensation and be subject to the same obligations and penalties as overseers of the highways of the said township now have, perform or are subject to, within and for the township, and shall have the same powers, perform the same duties and be subject to the same obligations and penalties as the township committee of said township now have, perform or are subject to, in relation to the public highways, except as the same may be altered by this act, and shall have the general and exclusive supervision, control and management of the public highways in said township, and of their repair and regulation, and shall, from time to time, prescribe, by vote of a majority of said board, the manner in which the said public highways shall be repaired, kept in order and regulated, and the time when the same shall be worked or repaired, and shall cause the same to be so worked or repaired as they shall see fit.

Moneys assessed and collected for repair of roads, to whom paid.

3. *And be it enacted*, That it shall be the duty of the township collector of said township to pay to the said board, or to such person as they may designate, all moneys directed to be assessed and collected for the repair of roads and highways in the said township, out of the first moneys that shall come into his hands after the payment of the State and school tax; and said board are hereby authorized and empowered, in each year, to borrow money in anticipation of the amount directed to be assessed and collected for the repair of highways and roads in said township.

First commissioners.

4. *And be it enacted*, That Cornelius Stewart, George Banghart, Marcus B. Wells, Jacob A. Wise and Joseph Bonnell, five freeholders, residents of said township, shall be the first commissioners under this act, and they shall, as soon as practicable after the passage hereof, organize and decide by lot which one shall serve for one year, which one for two years, which one for three years, which one for four years, and which one for five years, and annually, after the expiration of the term of office of a commissioner who shall be chosen for one year, the legal voters of the said township shall elect one person as commissioner at the annual town meeting, and the said board may fill all vacancies in their

Vacancy, how filled.

board until the next annual town meeting, when a commissioner shall be elected for the unexpired term.

5. *And be it enacted*, That the said commissioners, before entering upon the discharge of their duties, shall take an oath, faithfully, fairly and impartially to perform the duties of their said office, and shall give bonds each in the sum of three thousand dollars, conditioned upon the faithful discharge of their duties to the inhabitants of said township, and shall report in writing one month prior to the annual town meeting in each year, to the township committee, a detailed statement of their receipts and expenditures of the preceding year, which the town clerk of said township shall cause to be published with the annual statement of the receipts and expenditures of said township, as now required by law. To take oath and give bonds.

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

Approved April 6, 1871.

CHAPTER DCI.

A Further Supplement to the act entitled "An Act to erect the village of New Mills, in the county of Burlington, into a borough, to be called the borough of Pemberton," passed December fifteenth, one thousand eight hundred and twenty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chief burgess of said borough for the time being shall have all the powers and authority of a justice of the peace of the State of New Jersey, within the corporate limits of said borough; he shall take cognizance of all fines, forfeitures and penalties to be laid by the laws or ordinances of said borough; he shall have power, by legal process, to cause any or all persons to be brought before him who may be charged with violating the public peace, or for disturbing the public tranquility, or for a breach of any of the ordinances of said borough; he shall Chief burgess vested with powers of justice of peace.

have power to impose fines upon all persons so offending, and to cause them to be imprisoned in the borough jail, or the common jail of the county of Burlington; and shall be, during the time for which he is elected, vested with all the powers and functions, and be bound by the same liabilities in criminal cases that justices of the peace of the several counties of this State now are or hereafter may be authorized to perform, and all officers and persons shall respect him as such; and no shows or exhibitions of any kind shall be allowed in said borough without his express consent, and license being first obtained in writing, for which he shall exact such license fee for the use of said borough as in his judgment shall be reasonable and proper.

Power of common council.

2. *And be it enacted*, That the power to grade, repair and amend the public highways, streets, alleys and lanes in said borough, and to cause the sidewalks and gutters in the same to be paved, graded, amended and cleaned, shall belong exclusively to the common council thereof.

May pass ordinances for paving, curbing, &c., streets.

3. *And be it enacted*, That it shall and may be lawful for the common council of said borough to pass ordinances for the paving, repairing, flagging, curbing or graveling the sidewalks and gutters in any street or streets, alleys or lanes, in said borough by the owners or occupants of lots, alleys or passage ways fronting on or adjoining the same, which shall be done under the direction of the common council; and also to prescribe the manner and time in which the same shall be done, and the materials with which the same shall be performed, and to enforce such ordinances and to recover all moneys expended for such purposes, and all penalties enacted for non-compliance therewith, with costs of suit in an action of debt to be brought in the corporate name of said borough in any court of competent jurisdiction in the county of Burlington; *provided, always*, that each and every ordinance so passed shall be posted in three of the most public places in said borough, signed by the chief burgess and clerk, for twenty days before the said ordinance shall go into effect.

Proviso.

No tax to be levied beyond the boundaries of borough.

4. *And be it enacted*, That from and after the passage of this supplement the power of the overseer of the highways of the township of Pemberton, and of the other officers of said township over the public highways, streets, lanes and alleys in said borough, shall cease and be no longer exercised, and no moneys shall thereafter be raised by the inhab-

itants of said township for the purpose of keeping or maintaining in repair the highways and streets in said borough, nor shall any tax be assessed or levied on any property situate in said borough to make, work or keep in repair any of the roads or highways lying in said township beyond the boundaries of said borough, as now defined and specified by the act to which this is a supplement.

Taxes for repairing streets, &c., how raised.

5. *And be it enacted*, That it shall be lawful for the common council of said borough, to raise by tax from year to year, such sum or sums of money as they deem expedient for keeping and maintaining in repair the highways and streets in said borough, and for other purposes, not exceeding five hundred dollars, to be assessed and collected in the same manner as is now provided by the act to which this is a supplement, and if said tax, so ordered to be raised as aforesaid, shall not be paid within the time prescribed by any ordinance, duly passed for that purpose, it shall be the duty of the clerk of said borough to make out a list of all delinquent tax-payers, and present the same to a justice of the peace of said borough, who shall, in three days thereafter, issue his warrant directed to the marshal of said borough, or any constable of said county, commanding him to make, levy and collect said taxes in the manner now prescribed by law for the collection of other taxes in said county.

Common council may grant licenses.

6. *And be it enacted*, That the common council of said borough, or a majority of them in council assembled shall have the sole, only and exclusive right of granting licenses annually, under the common seal of said borough, to all and every inn keeper and retailer of spiritous liquors, residing within said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the courts of common pleas of this State; and they shall also have the sole, only and exclusive right and power of licensing such and so many ale and porter houses and lager beer saloons, in said borough, upon such terms and conditions, and under such regulations as may be deemed most conducive to the good of the inhabitants of said borough, and the amount assessed and paid upon granting all such licenses shall be paid to the chief burgess of said borough, for the exclusive use of said borough.

7. *And be it enacted*, That the common council in making any assessment by tax, for any of the purposes herein

May levy a poll tax.

specified, shall have the power to levy, in their discretion, upon all the male inhabitants of said borough, of the age of twenty-one years, a poll tax each year, not exceeding the sum of one dollar.

No tax to be assessed and collected upon any farm lands, &c.

8. *And be it enacted*, That no tax under the authority of said corporation shall be assessed, levied or collected from any timber, wood or farming land used for the purpose of husbandry only, situated within the boundaries thereof, or upon the stock of any farmer therein, for the use and support thereof, excepting only such tax as may be directed to be raised for the improvement, maintenance and repairing of the roads, highways and streets therein.

Inhabitants authorized to raise money by taxation for erection of town house.

9. *And be it enacted*, That it shall and may be lawful for the inhabitants of said borough, in town meeting assembled, upon notice being given in three of the most public places therein, for five days preceding said meeting, to authorize and direct the common council of said borough to raise, by additional tax, such an additional sum of money, not exceeding one thousand dollars, as may be requisite for the erection and construction of a town house and borough jail, and for such other purposes as a majority of said inhabitants convened in said town meeting may direct; which additional tax so directed to be raised shall be assessed, levied and collected as taxes are now assessed and collected by the act to which this is a supplement.

Actions at law, &c.

10. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation in which the chief burgess, assistant burgess or common council are a party, or in which they are interested, or in which any person may be sued or impleaded by reason of anything done by the act to which this is a supplement, or by the supplements thereto, it shall be lawful for such person to plead the general issue, and to give said act and the supplements thereto, and the special matter in evidence at the trial.

Repealer.

11. *And be it enacted*, That all other acts and parts of acts inconsistent with, or contradictory to this supplement, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DCII

An Act to incorporate the Lambertville Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James D. Stryker, Ashbel Welch, William Cowin, Cornelius Arnett, Henry Mathews, William V. Cooley, John A. Anderson, Hiram Scarborough, Joseph Smith, Augustus C. Barber, Richard McDowell, John Groman, Joseph J. Frazer, James P. Smith, John Silvers, William Crook, Charles A. Skillman, Jeremiah Hayhurst, Charles Schulhaus, Charles Massey, Holmes D. Ely, William V. Case, Ferdinand S. Holcombe, George H. Mathews and Charles Roberts, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Lambertville Savings Bank," with power to purchase, take, hold, enjoy, and sell, lease, or otherwise dispose of any real or personal estate which shall be necessary for the purposes herein mentioned; *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. Corporators. Name and powers. Proviso

2. *And be it enacted*, That the said savings bank shall be conducted by twenty-five managers, fifteen of whom shall be residents of the town of Lambertville; five 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 mentioned in the first section of this act shall be the first managers of the corporation; the managers shall, upon their organization, and annually thereafter, at such time as their by-laws may designate, choose one of their number as president; and appoint such other officers as to them shall appear necessary for conducting the business of the corporation, which officers so chosen and appointed shall continue in office one year, and until others are chosen, unless sooner Managers.

removed by the board of managers; and all officers so chosen shall be under oath, and shall give such security as the board of managers may require, for the faithful performance of the duties of their respective offices; and the managers shall have power to fill up, by ballot, any vacancy which may occur in their body or its officers, by a vote of a majority of the managers present, after five days' notice thereof shall have been given to the managers, by publication in the newspaper printed in the said town, or by notice deposited in the post office directed to each manager, or left at his residence.

Vacancy, how filled.

May make by-laws, &c.

3. *And be it enacted*, That the board of managers shall have power to make, ordain, establish and alter 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 directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this State or of the United States of America; and such by-laws and regulations shall be put up conspicuously in the room where the business of the said corporation shall be conducted.

Proviso.

May receive and invest deposits.

4. *And be it enacted*, That the said corporation may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest and under such regulations, as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, by will or otherwise, or by the order of any court; and it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that the same rates of interest may be so regulated that the interest allowed to depositors may be less on large sums than that allowed on small sums, and that the managers shall not be required to allow any interest or dividend on account of

Regulation of interest.

Proviso.

said surplus fund for money which shall have been withdrawn from deposit.

No officer to borrow money or receive compensation.

5. *And be it enacted*, That the said corporation shall not issue any notes or bills, nor shall any manager, officer or agent of the said corporation be allowed, directly or indirectly, to borrow any money from the said corporation, and all compensation to be allowed to the managers or officers shall be fixed by the board of managers.

Investment of money.

6. *And be it enacted*, That the said corporation may invest money in the stocks and bonds created under the laws of the United States, and in the stocks and bonds issued by the States of New Jersey, New York and Pennsylvania, and the several counties, cities, towns and townships thereof, and in real estate double in value of the amount loaned, above any incumbrance thereon; and may make loans on personal securities to an amount not exceeding twenty per centum of the money to be invested, with pledges of collateral securities at least equal to the amount loaned.

Certificates of deposit.

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

Minors may give acquittance for deposits.

8. *And be it enacted*, That the said corporation may pay to any depositor being a minor, such sums as may be due to such depositor, notwithstanding that no guardian may have been appointed for such depositor, and the receipt or acquittance of such minor shall be as valid as if executed by a guardian duly appointed; *provided*, that the deposit due such minor shall have been made by such minor in person, 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 a single woman be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Proviso.

Depositor may appoint persons to receive moneys.

9. *And be it enacted*, That a book shall be kept at the office of the corporation, 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 the said corporation.

Interest not allowed on less than one dollar.

10. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dime, nor to allow interest on the fractional part of a dollar, nor for the fractional part of a month.

All deposits to be entered.

11. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation, and every person depositing shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual statement.

12. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the Legislature of this State, under oath or affirmation of the treasurer and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statement shall be published in the town of Lambertville.

Office, where located.

13. *And be it enacted*, That the office or place of business of the said corporation shall be in the town of Lambertville, and the books of the corporation shall be open at all times to the inspection and examination of such person or persons as the Legislature may, from time to time, appoint for that purpose.

Act, how construed.

14. *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 corporation in deed, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *and provided also*, that the Legislature may at any time hereafter amend or modify this act; and that this act shall take effect immediately, and continue in force until repealed.

Proviso.

Proviso.

Approved April 6, 1871.

CHAPTER DCIII.

A Further Supplement to the act entitled "An Act to consolidate and make into one city, to be called Jersey City, the cities of Jersey City, Hudson and Bergen, in the county of Hudson," approved March sixteenth, anno domini one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the two hundred and sixth section of the act to which this is a supplement, the provisions of which apply to Grand street, from Mill Creek to Washington street, in said city of Jersey City, be and the same is hereby repealed. Repealer.

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

Approved April 6, 1871.

CHAPTER DCIV.

An Act to close certain streets in Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the water commissioners of Jersey City, or their successors, may close all streets in those parts of Jersey City, and the township of West Hoboken, within the following limits, to wit: between Manhattan and Madison avenues from Montgomery avenue to a line nine hundred feet west of the same; and between the lines of Summit avenue and West street continued from the line of Hill street to a line fifteen hundred feet north of the same; and may lay out and alter such streets within such limits as may be convenient to fit the ground for reservoir purposes. Water commissioners may close certain streets. Limits.

Approved April 6, 1871.

CHAPTER DCVI

An Act to provide for a Board of Chosen Freeholders in the county of Hudson.

Chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the Tuesday next after the first Monday in May next, the board of chosen freeholders of the county of Hudson shall consist of three freeholders from each of the first six aldermanic districts in said county, and one from each ward and township in the remaining two assembly districts.

Election.

2. *And be it enacted*, That at the next and every subsequent charter or township election held in said county, there shall be chosen by the electors of each of the first six aldermanic districts aforesaid, and each of the wards and townships in the remaining assembly districts in said county, in the same manner and under the same laws and regulations as are or may be now provided for the election of freeholders in said county, freeholders as stated in section one of this act to be members of said board, who shall hold their office for one year, and until others shall be chosen and legally qualified in their stead; and the term of office of the said freeholders so chosen shall commence on the Tuesday next after the first Monday in May next in each and every year.

Members to hold over until successors be elected and qualified.

3. *And be it enacted*, That until the persons to be chosen in accordance with the second section of this act shall be elected and qualified, the same persons who now are members of the board of chosen freeholders of said county shall be and constitute the said board, and exercise all the rights and functions thereof.

General laws to apply.

4. *And be it enacted*, That all general laws relating to boards of chosen freeholders in this State, and not inconsistent with this act, shall apply to the board of chosen freeholders in Hudson county; and all acts and parts of acts inconsistent with this act are hereby repealed.

Repealer.

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

Approved April 6, 1871.

CHAPTER DCIX.

An Act to amend an act entitled "An act concerning Roads in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of said act entitled "An act concerning roads in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy, be amended by striking out the words "without cost" after the words "which the said board may acquire;" also by inserting after the words "any portion of his or her land" and before the words "and shall execute a deed" the following: "and shall grade the same and put it in good condition as a highway;" also by inserting at the end of said section the following: "That no public park shall be accepted by said board except on the written application of twelve freeholders of the district in which the proposed park is situated; that said application shall be accompanied with a map of the same, which said map and application may be presented to the board at any meeting thereof, and shall be filed in the office of said board and open to inspection at all reasonable times; that thereupon, if the majority of said board shall deem it expedient, they shall cause a notice to be published for two weeks in a newspaper printed and published in the county of Bergen, and a printed notice to be posted in ten public places in said district, describing said proposed park, and reciting that the said map and application are on file at the office of said board, and calling a meeting of the freeholders of said district, at a time and place specified in said notice; that if a majority of the said freeholders present at said meeting shall vote in favor of accepting said park, said commissioners shall then make such assessment on the lands benefitted in said district as may be deemed necessary for the purpose of acquiring said land, and paying the expenses of said proceeding, and shall thereupon file said application and map, or a copy of said

Amendment.

map, with their acceptance endorsed thereon, signed by a majority of said board, in the office of the clerk of the county of Bergen, and the same shall from that time be a public park, and be improved and kept in order by the commissioner of said district; but no more shall be expended on the same in any one year than the freeholders, at their annual meeting in said district shall determine."

Amendment

2. *And be it enacted*, That section five of said act entitled "An act concerning roads in the township of Hackensack," be amended by striking out the words "to be posted in five public places" and inserting instead thereof the words "by a printed handbill or a handbill partly printed and partly written, to be posted conspicuously in at least ten public places."

Amendment.

3. *And be it enacted*, That section six of said act entitled "An act concerning roads in the township of Hackensack," be amended by adding to the end of said section the following words: "said assembly shall be convened at four o'clock in the afternoon, and no decision, vote or appropriation shall be valid unless at least twelve freeholders of said district shall be present and take part therein; and if twelve freeholders of said district are not present on the day appointed as aforesaid, the said commissioner shall adjourn said meeting from day to day until said number of freeholders are present, and a majority of those present shall be required to give validity to a decision, vote or appropriation; that a minute of the proceedings of said meeting shall be made by the commissioner of the district to be entered in the book of minutes, which minute shall specify the names of at least twelve freeholders present at the assembly."

Amendment.

4. *And be it enacted*, That section eight of said act entitled "An act concerning roads in the township of Hackensack," be amended by striking out all of said section eight beginning with the words "requiring all persons interested therein to appear," and all the remainder of said section to the end thereof, and inserting instead thereof the following: "and by printed handbills or handbills partly printed and partly written, posted conspicuously in ten or more public places in such district, stating that such map is open for inspection, and requiring all persons interested therein to appear before said board at a convenient time and place, to be specified in said notice, when and where the said board shall hear and weigh all objections to the said improve-

ments; and if at said time any one or more parties interested desire an adjournment of said hearing, and give notice in writing to said board of such desire, said hearing shall be adjourned to such other time as may be determined upon by said board; that after said hearing, the commissioners shall appoint a committee of their number to examine the route of the proposed road, and to report upon the feasiblity and advisability of the same, and what changes, if any, should be made therein; and thereupon the said board shall decide and determine upon the necessity of such proposed improvement, and if the said board shall decide and determine in favor thereof, they shall make their decision in writing, and shall award such damages as they may deem just to each and every person affected thereby, and assess such lands as they may deem benefitted in proportion to the benefit in their judgment received by the owners thereof; that within five days after making said assessment as aforesaid, a printed or written, or partly printed and partly written notice shall be addressed to each individual or party so assessed, and deposited in the post office at Englewood, stating the amount of said assessment against said individual or party for said improvement, and that said assessment will remain open at the office of said company for examination and inspection by all persons interested therein, at all reasonable times during the fifteen days next succeeding the depositing of said notice in said post office, and that said board will attend at their office on a day subsequent to the expiration of said fifteen days, and also on one or more evenings, not exceeding three evenings in all, if so required by any party or parties interested, to hear and weigh all objections thereto; that said board shall thereafter reconsider said assessment and make any alterations therein they may deem just, and thereupon they shall confirm said assessment, and within ten days after such confirmation file a map of the said improvement as finally determined upon by them with their aforesaid written decision, and said assessment so confirmed, and award so made, in the office of the clerk of the county of Bergen; that the said board shall give notice of such filing by publication in a newspaper printed and published in the county of Bergen, once a week, for four weeks, and the determination of the said board shall be final and conclusive in the premises, unless an appeal is taken to the court of

common pleas of the county of Bergen, within the time and in the manner provided for in this act."

Amendment.

5. *And be it enacted*, That section eleven of said act entitled "An act concerning roads in the township of Hackensack," be amended by inserting the word "last" after the words "may within forty days from the first publication of the" and before the word "notice;" and that this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER DCXII.

An Act to incorporate the Franklinite Steel and Zinc Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly the State of New Jersey*, That Fletcher Westray, John Van Neste, Robert D. Cullen, Benjamin Williamson, Andrew D. Melick, George W. Salvage, Rodman M. Price, Robert M. Henning, Silas M. Stillwell, Jabez M. Woodward, George C. Seaman, James E. Munson and James Langdon Curtiss, and all others who may become associated with them as stockholders, as hereinafter provided, their successors and assigns forever, be and they hereby are created and made a body corporate and politic, in fact and in name, by the

Name and powers.

name of "The Franklinite Steel and Zinc Company," for the purpose of mining zinc and other ores, exploring for minerals, cleansing and manufacturing the same, and that the said company shall have the power to manufacture Franklinite zinc, and other ores and minerals they may require, into steel, steel rails, or any other mercantile product, to erect furnaces, rolling mills, buildings, with the necessary machinery and other works; to purchase, acquire, hold, sell, lease and convey, in any part of the State of New Jersey, all the real estate and personal property which may be deemed necessary and advantageous for carrying on the business of the corporation, to mortgage their real estate and mineral properties, and issue bonds.

2. *And be it enacted*, That the capital stock of said com-

pany shall be one million dollars, with power to increase the same as the business of the company may require, by a vote of the board of directors, the said capital to be divided into shares of twenty-five 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 any of 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 five dollars on each share, at any one time, not deemed or declared full stock, and on failuare to pay any instalments, to forfeit the stock and all previous payments thereon, giving at least sixty days' previous notice of such call and demand in a newspaper published in the cities of Jersey City and New York. Capital stock.

3. *And be it enacted*, That the persons named in the first section of this act, shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the second Tuesday in April, eighteen hundred and seventy-two, and until others are elected in their stead. First directors.

4. *And be it enacted*, That the property and affairs of the company shall be managed and conducted by thirteen directors, being shareholders, not less than three of whom, together with the secretary, shall be residents of this State; and the company shall keep an office in Jersey City, or where the manufacturing business may be carried on; 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. May make by-laws, &c.

5. *And be it enacted*, That the annual election of directors shall take place on the second Tuesday of April, in each year, commencing on the second Tuesday of April, eighteen hundred and seventy-two, at some convenient place in Jersey City, in the county of Hudson, between the hours of twelve o'clock noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share shall be entitled to one vote, and the vote may be by person or by proxy; two weeks' previous notice shall be given in a newspaper published in each of the counties of Sussex and Hudson; and if from any cause an election of 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. Annual election.

Stock, how transferred.

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 a 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 books of said corporation shall be open to the inspection of the stockholders.

General powers.

7. *And be it enacted*, That this corporation shall have all the power and privileges, and be subject to such restrictions, limitations and conditions as are specified in the act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, except as otherwise granted in and by this act of incorporation.

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

Approved April 6, 1871.

CHAPTER DCXIII.

A Supplement to the act entitled "An Act to incorporate the Elizabeth and Union Railroad Company," approved March seventh, one thousand eight hundred and sixty-six.

Time for completion of road extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the completion and use of the railroad by the act to which this is a supplement, authorized, be, and the same is hereby extended to July fourth, one thousand eight hundred and seventy-four; *provided*, that no car or carriage propelled by steam shall be run or used upon said railroad or its branches.

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

Approved April 6, 1871.

CHAPTER DCXIV.

A Further Supplement to the act entitled "An Act to incorporate the Orange and Newark Horse Car Railroad Company," approved March fifteenth, one thousand eight hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any other horse car railroad company or companies desiring to run their cars upon any portion of the track of the said The Orange and Newark Horse Car Railroad Company, in order to complete a circuit, so to run their cars upon such portion of said track as may be necessary to complete said circuit; *provided*, that they conform to the rules and regulations of the said The Orange and Newark Horse Car Railroad Company, and pay to that company for such use of their track compensation, payable at such times as may be required by that company, at the rate of one cent for each passenger carried over said track for any distance not exceeding one mile, and for a distance exceeding a mile, such sum not exceeding one cent per mile as shall be agreed upon between them and the said The Orange and Newark Horse Car Railroad Company.

Other railroad companies may run cars upon track.

Proviso.

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

Approved April 6, 1871.

CHAPTER DCXV.

An Act for the better preservation of order in the township of Chatham, county of Morris.

Power to appoint policemen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the said township of Chatham may and shall, upon the application in writing made to them by twelve freeholders, residents in the said township, appoint such persons and so many of them as said committee may deem proper, to be policemen, and to make an entry of every such appointment in the book in which the clerk of said township is required by law to enter the names of the persons elected to township offices in said township, and every policeman so appointed shall, in the said township, possess all the powers of policemen and of constables in criminal cases of the several cities, wards of cities and townships of this State.

Compensation of police.

2. *And be it enacted*, That the said policemen shall be paid by the said committee out of the funds of the said township, a compensation not to exceed two dollars per day for every day of actual service, and the said committee may at any time when they see proper, discharge the said policemen or any of them, and no appointment of such policemen shall in any event be in force for more than one year from the time of making such appointment.

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

Approved April 6, 1871.

CHAPTER DCXXIV.

An Act to incorporate the New Jersey Tube Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Orrin Waterman, Duncan Bruce, Horatio Hill Frost, Thomas P. Johnston, Joseph D. Hall, Charles Carr, Nathaniel J. Wyeth and such other persons as may be hereafter associated with them and their successors and assigns, shall be, and they are hereby constituted a body corporate, in fact and in law, by the name of "The New Jersey Tube Transportation Company," and may acquire and hold all real and personal property, and do all other acts and things as may be necessary for the objects of this incorporation. Corporators. Name.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with power to increase the same, from time to time, as a majority of the directors shall see fit, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be subscribed and paid or forfeited and transferable in such manner as the by-laws of said incorporation shall direct. Capital stock.

3. *And be it enacted*, That the stock, property, concerns and affairs of the said company shall be managed by a board of directors of not less than five nor more than nine, as may be prescribed by the by-laws, to be chosen at such time and in such manner as said by-laws may prescribe; *provided*, that no person shall be a director in said corporation who is not a stockholder; *and provided further*, that the first directors shall be Orrin Waterman, Duncan Bruce, Horatio Hill Frost, Thomas P. Johnston, Joseph D. Hall, Charles Carr and Nathaniel J. Wyeth, who shall hold their offices for one year and until others are elected in their place; and the principal office of said company shall be in the city of Trenton; the directors shall appoint one of their number to be president, and such subordinate officers and agents as they shall deem necessary; and in case of death, Directors. Proviso. Proviso.

resignation or disqualification of any director, the vacancy may be filled by the remaining directors.

Failure to elect directors not to dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not take place at the time when it should be held, the said company shall not for that cause be deemed dissolved, but such election shall be held at such other time as the directors, for the time being, shall appoint; and such directors, for the time being, shall continue to hold their office until new ones shall be chosen in their place.

May lay down tubes and transport freight and passengers.

5. *And be it enacted*, That it shall be lawful for said incorporation to manufacture, erect and lay down large tubes of metal or other substance, for the transportation of packages, freight or persons in or through the jurisdiction and boundaries of the State of New Jersey, and may transport packages, freight or persons through said tubes within the limits aforesaid, by steam or other motive power, and allow individuals to pass and repass by foot, carriages or otherwise for the compensation legally chargeable in like cases; *provided, however*, that in crossing the waters of this State the tubes shall be laid below the bottom of said waters, and if the engineers shall decide that the erection of the tubes above the waters would interfere less with the use of said waters, then the said company may lay the tubes above the waters aforesaid.

Proviso.

General powers.

6. *And be it enacted*, That the said company may carry on the manufacture of tubes necessary to its business within this State, and shall possess all the rights and powers, and be subject to the restrictions and liabilities contained in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable and not inconsistent with this act; and this company shall have full power to have any part of its work and material done and furnished by others, whenever the directors thereof may deem it advantageous.

May enter on lands, &c.

7. *And be it enacted*, That it shall be lawful for said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times, upon all lands and waters, for the purpose of exploring, surveying, leveling, or laying out the route of such tubes, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary

damage to private or other property, and when the route of said tubes shall have been determined on and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use and occupy any such lands, and to erect embankments, bridges, piers and all other work necessary to lay tubes, and do all other things that shall be suitable or necessary for the construction, completion and repair of the said tubes, subject to such compensation as is hereinafter provided; *provided, always*, that the payment, or the tender of the payment, of all damages for the occupation of land through which the said tubes may be laid, be made, and if the owner or owners of said land shall not see fit to receive such award, the amount of such award shall be paid into the circuit court of the county where such lands lie, 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 tubes, unless the consent of the owner or owners of such land be first had or obtained.

May hold, have, use, &c., lands.

Proviso.

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

Proceedings in case the company and owner cannot agree.

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

Proceedings in case of appeal.

9. *And be it enacted*, That in case the said corporation, or owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said lands or materials, upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or (the owner or owners thereof being under any legal disability) the same being first paid into the court of chancery.

May make contracts.

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

May purchase, have and hold real estate.

11. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said tubes, or at any other point on the line of said tubes, where the directors may think

proper to establish a depot, not exceeding six acres at each place; and may also erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof; and may build and maintain, over such rivers and streams as the tubes may cross, such piers as they may deem expedient.

Penalty for injuring works.

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

Statement to be made and filed.

13. *And be it enacted*, That as soon as the said tubes or any part thereof is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said tubes, including, equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter, on the first Monday in January, in each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said tubes, and after the said tubes or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this

State tax.

State a tax of one-half of one per centum on the cost, equipments and appendages of said tubes, to be paid annually thereafter on the first Monday in January, of each year, and such other taxes as may be assessed from time to time by a general law applicable to railroads over which the Legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said tubes or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or

cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

14. *And be it enacted*, That when any portion of said tubes shall be completed, the said company may commence operations, and transport passengers and freight through the tubes so completed, enjoying all the privileges, and subject to the restrictions created by this act. When to commence operations.

15. *And be it enacted*, That the board of directors shall make such by-laws and appoint such officers as they may think proper to carry out the objects of the incorporation; *provided*, such by-laws do not conflict with the laws of this State. May make by-laws. Proviso.

16. *And be it enacted*, That in payment for any property purchased by said company or labor done for the same, if those who may have sold said property or done the said work so elect, the directors of this company may issue and deliver to them the stock of this company at not less than par, and this company may borrow money and secure the payment thereof by bond and mortgage or otherwise, and may make connections and consolidations with other corporations. May borrow money and secure the same by mortgage.

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

Approved April 6, 1871.

CHAPTER DCXXV.

An Act to incorporate the New Jersey Coast Canal Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That A. P. Stanton, Thomas Van Gilder, Charles E. P. Mayhew, Milton P. Pierce, J. L. Baier, Thomas Page, and all such persons as may be hereafter associated with them shall be, and they are hereby incorporated, by the name of "The New Jersey Coast Canal Company," for the purpose and with the privileges and immunities hereinafter described, defined and granted, and by that name shall be a body corporate and politic, in fact Names of corporators. Corporate name and powers.

and in law, may sue and be sued, implead and be impleaded in all courts of justice and elsewhere; and the said company shall have power and authority at any time after the passage of this act, to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell all such lands, tenements, hereditaments, waters, streams and water privileges, rights, goods, chattels and effects of every description whatever, as be necessary for carrying into effect any of the provisions of this act, and under the restrictions and limitations therein mentioned; and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish and carry into execution such laws and regulations as shall, by its managers, be judged necessary or convenient for the government and management of the said company, and the same to change, alter, repeal, annul and re-enact; *provided*, that the same be not contrary to the constitution and laws of the United States, or the State of New Jersey.

Proviso.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten million dollars, divided into shares of one hundred dollars each, and that the said company shall have power to increase the same to such amount as may be deemed necessary; *provided*, the same does not exceed fifteen million dollars, and that the excess over ten million dollars, or any part thereof, may be made preferred stock; and that the said company may borrow such sum or sums of money not exceeding the amount of the capital stock of said company as may by them be deemed necessary, at such rates of interest not exceeding seven per centum per annum, and on such terms as they may stipulate and provide, and mortgage the property of the company, or any part of the same, to secure the payment thereof.

Proviso.

Power to construct and make canal.

3. *And be it enacted*, That it shall be lawful for the said canal company to construct, make, erect and execute ship canals or artificial navigation in such a manner as to connect the navigable waters of Raritan bay with the navigable waters of Delaware bay; the route of the said canals and connections to be preferably from Raritan bay, near Sandy Hook, through the waters of the Shrewsbury river; thence by the most direct practicable route to the waters of Barnegat bay, through the same and the waters of Little Egg Harbor or Tuckerton bay, through or adjacent to Great

Bay, through any of the channels, sounds or bays between Great Bay and Great Egg Harbor bay, through Great Egg Harbor bay and the waters of the Tuckahoe river and Cedar Swamp Creek; thence by the most direct practicable route to the waters of Dennis Creek, and through Dennis Creek to Delaware bay; and the said company may improve the navigation of any of the inland waters named, or any inland waters connecting with said canals, by dredging or otherwise deepening the channels, or cutting canals from point to point, or by any other manner which shall best secure continuous navigation between Raritan bay and Delaware bay, along or contiguous to the route named; and the main channels and canals so improved or constructed, shall be not less than fifty feet wide at the surface, and the water therein shall be not less than seven feet deep throughout, and the width and depth of the same may be increased at any time so as to admit of the passage of such sea-going vessels as it may be desirable to have navigate the said canals, and should it be necessary to supply any portion of the said canals with water other than the tide waters connected and hereinbefore named, the said company are hereby empowered to construct feeders from any of the streams crossed or connected by said canals, or from any of their tributaries.

May enter upon lands, &c., for the purpose of locating works.

4. *And be it enacted*, That it shall and may be lawful for the said company to construct, make, erect and form all locks, works, devices, wharves, docks, weighlocks, toll-houses, elevators, depots, offices and other buildings and structures necessary and convenient for the use of the said canal and feeders, or either of them; and that it shall and may be lawful for the said company, by their managers, president, officers, agents, engineers, superintendents or contractors, or any other person or persons by them employed from time to time, and at all times hereafter, to enter upon all lands, whether covered by water or not, for the purpose of locating the several works and buildings hereinbefore specified within such route and feeders as shall be determined upon by the said company, doing no unnecessary damage; and when the general route or routes shall have been determined and fixed upon by the said company, then a survey of the said route shall be made and deposited in the office of the secretary of state of New Jersey by the said company, whereupon it shall and may be lawful for the said

company, their agents, engineers, superintendents, contractors, or other person or persons employed by them at any time to enter upon, take possession of and use all and singular such lands, waters and streams, subject to such compensation to be made therefor as hereinafter directed; and the provisions of all and any riparian acts now in force, or to be hereafter put in force, shall in no wise apply to or affect the rights and privileges of the said company.

Proceedings in case the company and land owners cannot agree.

5. *And be it enacted*, That where lands, waters and streams that may be useful for said canal and feeders, shall not be made a free gift by their owner or owners to said company; the said company shall pay to the owner or owners of all such lands, waters and streams such compensation as shall be mutually agreed upon between them; and in case the said company cannot agree with such owner or owners in relation thereto, or in case such owner or owners, or any of them, be feme covert, under age, non compos mentis, or reside out of the State, then it shall be lawful for the said company, and they are hereby required without delay, from time to time, and at all times, to cause a survey or surveys and map or maps and field book or books to be made of any of the lands, waters, streams or other things requisite and useful for the purposes aforesaid, distinguishing in the field books annexed thereto the lands, waters, streams or other things of each and every owner thereof, appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and the same survey, maps and field book, together with the oath or affirmation of the principal engineer employed by the said company that the premises therein described are required to be occupied or used by the said company for carrying into effect the objects set forth in this act, to exhibit to one of the justices of the supreme court of New Jersey, giving at least ten days' previous notice in writing to the parties of the time and place of such exhibition by serving the same on such owner or owners, if resident in the State at the time, and if not, by advertising the same in a public newspaper of general circulation published in the county where the lands, waters, streams or other property so required to be appropriated, is situated; and thereupon it shall be the duty of the said justice to certify such survey, map and book under his hand and seal, and to cause the same to be filed in the office of the secretary of state, there to remain as a public record; and also at the same

time and place, by a writing under his hand and seal, to appoint three discreet and disinterested freeeholders of the State of New Jersey, not residing in either of the counties traversed by the said canals or inland water route connected, as appraisers, who shall all, or a majority of them, if requested so to do by the owner or owners, or by the company, and being duly sworn or affirmed, make a just and equitable appraisement of the damages, if any, that each owner may sustain by such appropriation for the uses and purposes aforesaid, the said appraisers giving ten days' previous notice in the manner aforesaid of the time and place of meeting to make such appraisement; and the said appraisers, or a majority of them, shall make regular entries of their appraisements in a book or books to be kept by them for that purpose, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgments of deeds, and cause such book or books to be filed in the office of the secretary of state, there to remain as a public record; and the company shall pay or tender the damages so assessed to the person or persons respectively entitled to the same; or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the State of New Jersey, the said company shall pay the same into the court of chancery of this State, to be disposed of under the order of the chancellor, according to their several and respective rights and interests, agreeably to law; and immediately thereupon the right, property and interest belonging to the person or persons so compensated and paid in, and to the premises so appropriated and described, appraised and paid for, shall be vested in said company, and if default be made in such payment, the owner or owners may sue for and recover of the said company the amount of such appraisement, or bring an action of ejectment for the lands at his, her or their option.

Proceedings in case of damages done by the company.

6. *And be it enacted*, That it shall be lawful for the said company, or any persons in their employ, with carts, wagons and other carriages, and with their beasts of burden and draught, or with steam engines or other necessary apparatus, materials, tools and implements, to enter upon all lands contiguous or near to the route or tract of the canals and feeders, to construct the same or to repair the same or either, and to take or carry away any stone, gravel, clay, sand,

earth or other substances or materials, the owner or owners of said lands so entered upon 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 disagreement as to the amount of such damage sustained, or the value of such materials taken away, then the said damages and values may be ascertained and paid or recovered in like manner as is provided in the preceding section for ascertaining and settling land damages.

Rates of toll.

7. *And be it enacted*, That the said canals and feeders, and the works to be erected thereon and belonging thereto by virtue of this act, when completed, shall forever thereafter be esteemed a public highway, free for the transportation of passengers or any goods, commodities or produce whatsoever, on payment of the established tolls, which shall not exceed two and one-half cents per ton of goods or per passenger for every mile.

Penalty for non-payment of tolls.

8. *And be it enacted*, That in case of the neglect or refusal of any person or persons to pay the toll at the time of offering to pass through the said canals or feeders, then the vessel so refusing or neglecting to pay, may be prevented by the said company or its agents from entering said canal or feeders, or payment be enforced in the manner customary on other canals in this State.

Bridges to be kept in repair.

9. *And be it enacted*, That whenever the said canals shall cross any railroad, public road or farm, it shall be the duty of the said company, at their proper expense to make all necessary, good and efficient bridges across said canal, and to keep the same in repair.

May own lands, for depots, &c.

10. *And be it enacted*, That it shall be lawful for the said company to acquire, own, possess and occupy lands to the extent of two hundred feet in width, contiguous to, along the line of and including the said canals and improved works, and also such other lands as may be necessary for stations, depots, rendezvous, repair shops and other works connected thereto; and also to charter, build, acquire, own, possess and operate such steam tugs or other vessels as may be necessary to facilitate commerce and navigation in connection with the said route.

Penalty for injuries or obstructions.

11. *And be it enacted*, That if any person or persons shall in any manner wilfully and maliciously destroy, injure or

obstruct said canals or feeders, or any of their parts, or works connected therewith, or remove any stakes or buoys placed by said company, he or they shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall take place, the fine in each case not to exceed one thousand dollars, nor the imprisonment the term of two years, and such criminal prosecution shall in no wise impair the right of action for damages by civil suit to be brought by the company.

Act, how to be noticed.

12. *And be it enacted*, That this shall be a public act, and shall be judicially referred to and taken notice of by all justices and others, without being specially pleaded.

Statement of cost and expenditure to be filed in the office of the secretary of state.

13. *And be it enacted*, That at the expiration of seventy years after the completion of said canals and feeders, the State of New Jersey may, at their option, to be made within one year thereafter, become entitled to all the estate of the said company in the said canals and feeders, upon payment to said company of the first cost of the same, as the expenditure therefor may appear at the end of one year after the navigation thereon shall have commenced, at which time a statement of such cost, made by the president and attested by the secretary of said company, under oath or affirmation, shall be filed by said company in the office of the secretary of state.

Time for the commencement and completion of work.

14. *And be it enacted*, That unless the said company shall commence work upon the said canal within five years, and complete the same within fifteen years from the passing of this act, so far as to admit of the passage through the entire distance inland, between Raritan bay and Delaware bay, of vessels drawing not less than seven feet of water, this act may be declared void, and the right of the company to the said canals thereby become vested in the State.

Location of principal office.

15. *And be it enacted*, That the affairs of the company shall be managed by a board of directors of not less than five members, a majority of whom shall be residents of this State, and their principal office shall be located at Mays Landing, in the county of Atlantic; and said board shall elect one of their number president, and appoint all officers and fix their salaries, and remain in office until others are duly elected in their place and assume office; and the following named persons shall constitute the first board of directors, and remain in office one year after the passage of

this act, or until a new board shall have been elected; and every year thereafter, on the same day, or as soon thereafter as practicable, a new election of directors shall be held; the said first directors shall be A. P. Stanton, Thomas Page, Milton P. Peirce, Thomas Van Gilder and Charles E. P. Mayhew; the first board of directors shall have power to add to their number, and the board of directors shall at all times have power to fill vacancies occurring in their number until the next election.

First directors.

16. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1871.

PROCLAMATION

BY THEODORE F. RANDOLPH, GOVERNOR.

PROCLAMATION.

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT.

In the year drawing to a close the people of New Jersey have been blessed with peace, health and prosperity. We owe these favors and all others, to the goodness of Almighty God.

With a view of manifesting our gratitude, and of gathering in common worship all classes and conditions of the inhabitants of this Commonwealth, irrespective of sectarian, political or other differences.

I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby appoint Thursday, the twenty-fourth day of November, as a day of Thanksgiving and Prayer, and recommend its observance as such.

Given at the Executive Chamber, in the city of Trenton, this fifteenth day of November, in the [L. S.] year of our Lord one thousand eight hundred and seventy, and of the Independence of the United States, the ninety-fifth.

THEODORE F. RANDOLPH.

Attest:—

SAMUEL C. BROWN, *Private Secretary.*

ACCEPTANCE OF ACTS.

ACCEPTANCE OF ACTS.

BERGEN COUNTY GAS LIGHT COMPANY,

ENGLEWOOD, April 20, 1871.

This is to certify that a resolve, of which the following is a copy, was unanimously adopted by the Directors of the Bergen County Gas Light Company, at a meeting of the Board, held on the nineteenth of April, instant, namely:

"*Resolved*, That the Bergen County Gas Light Company hereby accepts an act of the Legislature of the State of New Jersey, entitled "A supplement to an act entitled 'An Act to incorporate the Bergen County Gas Light Company,'" approved March fourteenth, one thousand eight hundred and seventy-one, and that a copy of this resolution, certified by the signature of the president, and attested by the secretary, under the seal of the company, be filed in the office of the secretary of state, of the State of New Jersey."

{Corporate Seal.} DANIEL DRAKE SMITH, *President*

Attest:—

WILLIAM KING, *Secretary.*

State of New Jersey: I, Henry C. Kelsey, Secretary of State, of the State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing purporting to be an acceptance of an act of the Legislature, entitled "A supplement to an act entitled 'An act to incorporate the Bergen County Gas Light Company,'" approved March fourteenth, eighteen hundred and seventy-one, as the same is taken from and compared with the original, filed in my

office, April twenty-second, A. D., eighteen hundred and seventy-one, and now remaining on file and of record therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this twenty-seventh day of June, A. D., one thousand eight hundred and seventy-one.

[SEAL.]

HENRY C. KELSEY.

Acceptance by the Lambertville Paper Manufacturing Company of the act entitled "An Act relative to the Lambertville Paper Manufacturing Company."

To all whom these presents shall concern:

WHEREAS, the Legislature of New Jersey, at its last session, passed an act entitled "An Act relative to the Lambertville Paper Manufacturing Company," which was approved on the fourteenth day of March, A. D. eighteen hundred and seventy-one; AND WHEREAS, the board of directors of the Lambertville Paper Manufacturing Company did, on the third day of April, A. D. eighteen hundred and seventy-one, adopt the following preamble and resolutions, that is to say:

"WHEREAS, an act was passed by the Legislature of this State, and approved on the fourteenth day of March, A. D. eighteen hundred and seventy-one, entitled "An Act relative to the Lambertville Paper Manufacturing Company," by virtue of which said act a special charter is granted to said company, who were organized under the provisions of an act of the Legislature entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, A. D. eighteen hundred and forty-nine; therefore,

"*Resolved*, That the Lambertville Paper Manufacturing Company accept the said act, and each and every provision

thereof, in lieu of the previous organization under the general laws of this State.

"*Resolved*, That a certificate of said acceptance be made under the corporate seal of said company and filed in the office of the secretary of state."

Now, therefore, in pursuance of the said resolutions it is hereby declared that the said company do accept the said act of the Legislature of New Jersey, and each and every provision thereof.

In witness whereof the said company have hereto caused their corporate seal to be affixed, and the {Corporate Seal.} signature of their president to be subscribed this twentieth day of June, in the year of our Lord one thousand eight hundred and seventy-one.

WILLIAM COWIN, *President.*

Attest:—

HUGH B. ELY, *Secretary.*

State of New Jersey: I Henry C. Kelsey, Secretary of State, of the State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing purporting to be the "Acceptance by the Lambertville Paper Manufacturing Company, of the act entitled, 'An act relative to the Lambertville Paper Manufacturing Company,'" as the same is taken from and compared with the original, filed in my office, the twenty-second day of June, A. D., eighteen hundred and seventy-one, and now remaining on file and of record therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this twenty-[SEAL.] seventh day of June, A. D. one thousand eight hundred and seventy-one.

HENRY C. KELSEY.

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Abstract of Census of the State of New Jersey

ACCORDING TO THE CENSUS OF 1870.

COMPILED BY THE SECRETARY OF STATE.

ABSTRACT OF THE CENSUS.

ATLANTIC COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Atlantic City	1,037	6	1,043
Buena Vista	936	14	950
Egg Harbor City	1,294	17	1,311
Galloway	2,829	38	2,867
Great Egg Harbor	3,575	50	3,625
Hamilton	1,282	10	1,292
Hammonton	1,390	22	1,412
Mullica	850	12	862
Weymouth	801		801
Total	13,994	169	14,163

BERGEN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Franklin	2,831	68	2,899
Hackensack	7,649	390	8,039
Harrington	2,470	196	2,666
Hohokus	2,393	240	2,633
Lodi	3,082	138	3,220
New Barbadoes	5,510	326	5,836
Saddle River	1,100	69	1,169
Union	1,984	74	2,058
Washington	2,358	155	2,513
Total	29,377	1,656	31,033

BURLINGTON COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Bass River	795	13	808
Beverly	2,400	39	2,439
Bordentown	5,874	180	6,054
Burlington Township	969	56	
" City, 1st Ward	3,043	168	6,842
" 2d Ward	2,197	409	
Cinnaminson	2,993	119	3,112
Chester	2,428	159	2,587
Chesterfield	1,667	88	1,755
Evesham	3,188	363	3,551
Lumberton	1,663	56	1,719
Little Egg Harbor	1,619	6	1,625
Mansfield	2,876	39	2,915
Medford	2,118	72	2,190
New Hanover	2,357	175	2,532
Northampton	3,805	214	4,019
Pemberton	2,712	37	2,749
Randolph	449	1	450
Shamong	1,108	41	1,149
Southampton	2,367	13	2,380
Springfield	1,716	50	1,766
Washington	612	12	624
Westhampton	1,194	175	1,369
Willingboro'	738	12	750
Woodland	371	18	389
Total	51,259	2,515	53,774

CAMDEN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Camden, North Ward	6,579	129	6,708
" Middle Ward	6,600	85	6,685
" South Ward	6,021	671	6,692
	19,200	885	20,085
Centre	926	794	1,720
Delaware	1,457	170	1,627
Gloucester City	3,656	26	3,682
Gloucester	2,569	141	2,710
Haddon	1,706	219	1,925
Monroe	1,639	25	1,664
Newton	3,282	1,476	4,758
Stockton	1,749	632	2,381
Washington	1,532	35	1,567
Waterford	1,997	37	2,034
Winslow	2,039	14	2,053
Total	41,752	4,454	46,206

CAPE MAY COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Cape May City	1,245	148	1,393
Dennis	1,598	2	1,600
Lower	1,602	211	1,813
Middle	2,128	67	2,195
Upper	1,521	7	1,528
Total	8,094	435	8,529

CUMBERLAND COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Bridgeton, 1st Ward	2,951	152	3,103
" 2d Ward	1,730	189	1,919
" 3d Ward	1,741	67	1,808
	6,422	408	6,830
Deerfield	1,511	11	1,522
Downe	3,366	19	3,385
Fairfield	2,590	421	3,011
Greenwich	912	350	1,262
Hopewell	1,728	131	1,859
Landis	6,835	242	7,077
Maurice River	2,475	27	2,502
Millville, 1st Ward	1,581	82	1,663
" 2d Ward	2,142	18	2,160
" 3d Ward	2,283	1	2,284
	6,006	101	6,107
Stoe Creek	1,088	45	1,133
Total	32,933	1,755	34,688

ESSEX COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Belleville	3,582	71	3,653
Bloomfield	4,449	130	4,579
Caldwell	2,700	27	2,727
Clinton	2,204	36	2,240
East Orange	4,244	75	4,319
Livingston	1,115	7	1,122
Millburn	1,674	11	1,685
Montclair	2,816	37	2,853
Newark.			
" 1st Ward	9,354	243	9,597
" 2d Ward	7,094	239	7,333
" 3d Ward	7,417	216	7,633
" 4th Ward	5,808	82	5,890
" 5th Ward	8,788	64	8,852
" 6th Ward	10,119	121	10,240
" 7th Ward	11,882	108	11,990
" 8th Ward	6,715	110	6,825
" 9th Ward	5,345	113	5,458
" 10th Ward	9,059	151	9,210
" 11th Ward	3,641	36	3,677
" 12th Ward	4,567	19	4,586
" 13th Ward	13,475	365	13,840
	103,264	1,867	105,131
Orange.			
" 1st Ward	2,377	98	2,475
" 2d Ward	2,749	74	2,823
" 3d Ward	3,991	54	4,045
	9,117	226	9,343
South Orange	2,948	30	2,978
West Orange	2,057	47	2,104
Woodside	1,120	53	1,173
Total	141,299	2,617	143,907

GLOUCESTER COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Clayton	3,655	22	3,677
Deptford	2,447	215	2,662
Franklin	2,125	67	2,192
Greenwich	2,262	80	2,342
Harrison	2,954	77	3,031
Mantua	1,885	12	1,897
Woolwich	3,531	230	3,761
Woodbury City	1,700	265	1,965
Total	20,559	968	21,527

HUDSON COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Bayonne City	3,789	46	3,835
Greenville	2,720	70	2,790
Harrison	4,093	22	4,115
Hoboken,			
" 1st Ward	4,990	2	4,992
" 2d Ward	3,590	22	3,612
" 3d Ward	6,858	2	6,860
" 4th Ward	4,846	2	4,848
	20,284	28	20,312
Jersey City,			
" 1st Ward	5,822	36	5,858
" 2d Ward	6,502	22	6,524
" 3d Ward	6,672	13	6,685
" 4th Ward	7,578	130	7,708
" 5th Ward	6,436	56	6,492
" 6th Ward	8,256	147	8,403
" 7th Ward	3,562	1	3,563
" 8th Ward	2,790	2	2,792
" 9th Ward	4,888	51	4,939
" 10th Ward	3,413	2	3,415
" 11th Ward	7,269	5	7,274
" 12th Ward	5,408	8	5,416
" 13th Ward	4,678	114	4,792
" 14th Ward	3,393	72	3,465
" 15th Ward	2,383	10	2,393
" 16th Ward	3,052	27	3,079
	82,102	696	82,798
Kearney	955	4	959
North Bergen	2,946	86	3,032
Town of Union	4,638	4	4,642
Union	2,097		2,097
Weehawken	596	1	597
West Hoboken	4,063	48	4,111
Total	128,283	1,0	129,288

HUNTERDON COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Alexandria	3,318	23	3,341
Bethlehem	2,183	28	2,211
Clinton	3,097	34	3,131
Delaware	2,932	31	2,963
East Amwell	1,707	96	1,803
Franklin	1,318	7	1,325
Frenchtown	912	8	920
Kingwood	1,944	2	1,946
Lambertville	3,819	26	3,845
Lebanon	3,533	23	3,556
Raritan	3,515	140	3,655
Readington	3,005	64	3,069
Tewksbury	2,243	85	2,328
Town of Clinton	755	30	785
Union	1,040	11	1,051
West Amwell	992	40	1,032
Total	36,313	648	36,961

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MERCER COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
East Windsor	2,295	92	2,387
Ewing	2,374	123	2,497
Hamilton	5,232	185	5,417
Hopewell	3,981	299	4,280
Lawrence	2,079	176	2,255
Princeton	3,428	561	3,989
Trenton,			
" 1st Ward	2,864	61	2,925
" 2d Ward	2,350	269	2,619
" 3d Ward	4,600	8	4,608
" 4th Ward	4,138	19	4,157
" 5th Ward	3,840	270	4,110
" 6th Ward	1,109	1	1,110
" 7th Ward	3,214	176	3,390
	22,115	804	22,919
Washington	1,225	69	1,294
West Windsor	1,361	71	1,432
Tofal	44,090	2,380	46,470

MIDDLESEX COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
East Brunswick	2,792	69	2,861
Madison	1,607	30	1,637
Monroe	3,136	119	3,255
New Brunswick, 1st District, " 2d " " 3d "	14,509	550	15,059
North Brunswick	1,078	48	1,126
Perth Amboy City	2,818	44	2,862
Piscataway	2,581	180	2,761
Raritan	3,365	107	3,472
South Amboy	4,518	8	4,526
South Brunswick	3,566	215	3,781
Woodbridge	3,579	138	3,717
Total	43,549	1508	45,057

MONMOUTH COUNTY.

TOWNSHIPS.	White	Colored.	Total.
Atlantic	1,561	152	1,713
Freehold	3,923	310	4,233
Holmdel	1,352	63	1,415
Howell	3,359	15	3,374
Manalapan	2,194	193	2.387
Marlboro'	2,119	112	2 231
Matawan	2,640	199	2,839
Middletown	4,227	413	4,640
Millstone	2,017	76	2,093
Ocean	5,804	388	6,192
Raritan	3,366	77	3,443
Shrewsbury	4,862	578	5,440
Upper Freehold	3,373	274	3,647
Wall	2,654	15	2,669
Total	43,451	2,865	46,316

MORRIS COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Boonton	3,432	26	3,458
Chatham	3,585	130	3,715
Chester	1,730	15	1,745
Hanover	3,515	109	3,624
Jefferson	1,430		1,430
Mendham	1,554	27	1,581
Montville	1,353	50	1,403
Morris	5,434	239	5,673
Passaic	1,612	13	1,625
Pequannock	1,502	37	1,539
Randolph	5,078	33	5,111
Rockaway	6,431	14	6,445
Roxbury	3,306	14	3,320
Washington	2,457	35	2,492
Total	42,419	742	43,161

OCEAN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Brick	2,707	18	2,725
Dover	3,039	6	3,045
Jackson	1,752	3	1,755
Manchester	1,091	12	1,103
Plumstead	1,522	71	1,593
Stafford	1,507	7	1,514
Union	1,923		1,923
Total	12,541	117	13,658

PASSAIC COUNTY,

TOWNSHIPS.	White.	Colored.	Total.
Acquackanonk	4,274	103	4,377
Little Falls	1,318	4	1,322
Manchester	1,129	37	1,166
Paterson,			
" 1st Ward	2,889	15	2,904
" 2d Ward	3,175	33	3,208
" 3d Ward	4,315	141	4,456
" 4th Ward	3,521	53	3,574
" 5th Ward	7,125	78	7,203
" 6th Ward	4,089	24	4,113
" 7th Ward	3,087	14	3,101
" 8th Ward	4,044		4,044
" 9th Ward	967	11	978
	33,212	369	33,581
Pompton	1,780	60	1,840
Wayne	1,475	47	1,522
West Milford	2,605	55	2,660
Total	45,793	675	46,468

SALEM COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Elsinboro'	539	161	700
Lower Alloways Creek	1,306	177	1,483
Lower Penns Neck	1,226	248	1,474
Mannington	1,399	955	2,354
Pilesgrove	2,925	460	3,385
Pittsgrove	1,666	3	1,669
Salem, 1st Ward	4,295	260	4,555
" 2d Ward			
Upper Alloways Creek	2,723	339	3,062
Upper Penns Neck	3,125	54	3,179
Upper Pittsgrove	2,048	42	2,090
Total	21,252	2,699	23,951

SOMERSET COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Bedminster	1,790	91	1,881
Bernards	2,324	45	2,369
Branchburg	1,196	57	1,253
Bridgewater	5,505	379	5,884
Franklin	3,539	373	3,912
Hillsborough	3,175	269	3,444
Montgomery	1,816	249	2,065
Warren	2,649	57	2,706
Total	21,994	1,520	23,514

SUSSEX COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Andover	1,123	3	1,126
Byram	1,320	12	1,332
Frankford	1,760	16	1,776
Greene	857	11	868
Hardyston	1,662	7	1,669
Hampton	1,019	4	1,023
Lafayette	871	13	884
Montague	915	17	932
Newton	2,363	40	2,403
Sandyston	1,213	17	1,230
Sparta	2,027	4	2,031
Stillwater	1,632		1,632
Vernon	1,973	6	1,979
Walpack	632	15	647
Wantage	3,596	40	3,636
Total	22,963	205	23,168

UNION COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Clark	331		331
Elizabeth.			
" 1st Ward	3,542	89	3,631
" 2d Ward	3,576	6	3,582
" 3d Ward	2,798	214	3,012
" 4th Ward	1,622	13	1,635
" 5th Ward	3,767	56	3,823
" 6th Ward	2,386	43	2,429
" 7th Ward	752	29	781
" 8th Ward	1,940	15	1,955
	20,383	465	20,848
Linden	1,303	95	1,398
New Providence	918	16	934
Plainfield	4,902	204	5,106
Rahway.			
" 1st Ward	1,090	55	1,145
" 2d Ward	1,673	57	1,730
" 3d Ward	2,116	113	2,229
" 4th Ward	1,137	16	1,153
	6,016	241	6,257
Springfield	743	27	770
Summit	1,170	6	1,176
Union	2,266	46	2,312
Westfield	2,671	88	2,759
Total	40,703	1,188	41,891

WARREN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Belvidere	1,822	60	1,882
Blairstown	1,368	11	1,379
Franklin	1,644	13	1,657
Frelinghuysen	1,112	5	1,117
Greenwich	2,566	25	2,591
Hackettstown	2,194	8	2,202
Hardwick	639		639
Harmony	1,398	9	1,407
Hope	1,540	2	1,542
Independence	1,762	6	1,768
Knowlton	1,690	1	1,691
Lopatcong	1,151	4	1,155
Mansfield	1,957	41	1,998
Oxford	2,904	50	2,954
Pahaquarry	445		445
Phillipsburg, 1st Ward) " 2d Ward }	5,940	10	5,950
" 3d Ward) Washington Borough	1,800	82	1,882
Washington Township	2,141	19	2,160
Total	34,073	346	34,419

RECAPITULATION.

COUNTIES.	White.	Colored.	Aggregate population
Atlantic	13,994	169	14,163
Bergen	29,377	1,656	31,033
Burlington	51,259	2,515	53,774
Camden	41,752	4,454	46,206
Cape May	8,094	435	8,529
Cumberland	32,933	1,755	34,688
Essex	141,290	2,617	143,907
Gloucester	20,559	968	21,527
Hudson	128,283	1,005	129,288
Hunterdon	36,313	648	36,961
Mercer	44,090	2,380	46,470
Middlesex	43,549	1,508	45,057
Monmouth	43,451	2,865	46,316
Morris	42,419	742	43,161
Ocean	12,541	117	12,658
Passaic	45,793	675	46,468
Salem	21,252	2,699	23,951
Somerset	21,994	1,520	23,514
Sussex	22,963	205	23,168
Union	40,703	1,188	41,891
Warren	34,073	346	34,419
Total	876,682	30,467	907,149