ACTS

OF THE

SEVENTY-THIRD LEGISLATURE

ACCESSION NO. 32986

OF THE

RECEIVED

CATALOGUED

STATE OF NEW JERSEY,

AND

FIFTH SESSION UNDER THE NEW CONSTITUTION.



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1849.

ACTS

OF THE

SEVENTY-THIRD LEGISLATURE

OF THE

STATE OF NEW JERSEY.

AN ACT for the relief of Thomas Letson, of the county of Monmouth.

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

Approved January 26, 1849.

AN ACT to extend the charter of the State Bank at Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to extend the act incorporating the state banks in New Jersey," passed February nineteenth, in the year of our Lord one thousand eight hundred and twenty-nine, shall be, and hereby is continued and extended, so far as regards the president, directors, and company of the State Bank at Camden, for and dur- Former act extended.

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ing the term of twenty years from and after the time by the said act limited for its continuance.

Act, when to take effect.

2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the term in and by the said act, entitled, "An act to extend the act incorporating state banks in New Jersey," passed February nineteenth, A. D. eighteen hundred and twenty-nine, limited for the continuance of the State Bank at Camden.

Approved January 26, 1849.

AN ACT to change the name of Edmund Shaw Jones, of the county of Burlington, to that of Edmund Bryant Jones.

Preamble.

WHEREAS the parents of Edmund Shaw Jones, of the county of Burlington, a minor, have presented to the legislature their petition, praying that the name of their said son be changed to that of Edmund Bryant Jones, and it appearing to the legislature right that their petition should be granted —therefore,

Name of E. S. Jones changed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the said Edmund Shaw Jones be, and the same is hereby changed to that of Edmund Bryant Jones.

Approved January 30, 1849.

AN ACT for the relief of the Rahway school for coloured children.

Preamble.

WHEREAS it appears, by the memorial of the trustees of the Rahway school for coloured children, that owing to the peculiarity of their organization and their geographical position, they do not receive the portion of the public school money to which they are entitled—therefore,

Superintendents authorized to pay pro rata share of money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township superintendent of Woodbridge, in the county of Middlesex, and the township

superintendent of Rahway, in the county of Essex, are hereby authorized and required to pay to the order of the trustees of the Rahway school for coloured children the pro rata share of the public school money to which they would be entitled if organized as a public school, and the scholars taught in the district in which they reside.

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

Approved January 30, 1849.

A further supplement to the act entitled, "An act to establish the Sussex Bank, at Newton, in the county of Sussex," passed the thirty-first day of January, eighteen hundred and eighteen.

Increase of capital stock authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president, directors, and company of the Sussex Bank are hereby authorized to increase the capital stock of said bank one thousand three hundred and fifty shares, of fifty dollars each; and the additional capital hereby authorized shall be part of the capital stock of said corporation, held and transferred in the same manner, and entitled to the same privileges with the capital stock authorized by the act incorporating said bank, and be subject to the same rules, regulations, and provisions, except as is herein otherwise provided.

Books of subscription to be opened.

2. *And be it enacted*, That whenever the directors of the said bank shall determine to call in the said new stock, books of subscription for one half thereof shall be opened in such manner and at such time or times, between the hours of twelve o'clock in the forenoon and five o'clock in the afternoon, as the said directors shall order, of which sixty days' notice shall be given in both of the newspapers printed at Newton aforesaid; and the said books of subscription shall be kept open at least five days.

Stock to be allotted.

3. *And be it enacted*, That prior to the time fixed for opening the books of subscription, the directors of said bank shall allot one half of the said new stock ratably among the old stockholders, in proportion to the number of shares held by each, and shall appropriate so much of the undivided profits of the said bank as will be sufficient for that purpose, to paying for the stock so allotted, fifty dollars upon each share thereof.

Shares, how apportioned.

4. *And be it enacted*, That if the subscriptions of such new stock shall exceed six hundred and seventy-five shares, the said six hundred and seventy-five shares shall be apportioned by the said directors, at their next meeting thereafter, among the subscribers thereto, in proportion to the amount subscribed by each.

Shares of new stock to be equalized.

5. *And be it enacted*, That the directors of the said bank shall equalize the value of the new stock, so subscribed for, to the old, by requiring payment thereon of the ratable proportion of the expenses of organizing and establishing the said bank, and also of an amount equal to the surplus profits on hand, if any there be; and the notice of opening the books of subscription shall specify the amount to be paid upon each share, in order to equalize the value thereof to the value of the old stock; which amount shall be paid to the said bank in thirty days after the said stock shall have been subscribed and apportioned, under the penalty of forfeiting the stock upon which default is made in the payment, and added to the undivided profits of the bank.

Payment of instalments.

6. *And be it enacted*, That the subscribers to the said new stock shall, in addition to the payment herein before mentioned, within thirty days after the said new stock shall have been subscribed and apportioned, pay to the said bank an instalment of five dollars upon each share so subscribed and apportioned; and the said directors shall have power to require the remaining instalments to be paid in the same manner, and under the like restrictions as is provided in the act to which this is a supplement, until the sum of fifty dollars upon each share is paid in, under the penalty of forfeiting the stock upon which default is made in the payment; and until the whole amount of said instalments shall have been paid in, the holders of such new stock shall be entitled to dividends only upon the amount paid in.

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

Approved January 31, 1849.

AN ACT to authorize the courts in the county of Camden to direct prisoners to be confined in the jails of the adjoining counties.

WHEREAS the jail, now and heretofore used as the jail for the confinement of prisoners in the county of Camden, is inadequate to the wants of that county—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the jails of the counties of Gloucester and Burlington be also constituted jails for the confinement of prisoners of the said county of Camden, until a jail shall be prepared in the said county of Camden; and the courts of oyer and terminer and general jail delivery of said county of Camden, and also the court of general quarter-sessions of the peace of the said county of Camden, may, in their discretion, when they deem it necessary, direct and order the confinement of any prisoners under sentence or charged with any criminal offence to be confined in the jail of the said county of Gloucester or in the jail of the said county of Burlington; and the keepers thereof are hereby required to receive and safely keep all such prisoners, in the same manner as they are by law required to keep the prisoners of their respective counties, until he, she, or they shall be demanded, under authority of law, by the proper officer or officers of the said county of Camden, or be otherwise discharged by due course of law; and the keepers of the said jails shall be entitled to demand and receive from the board of chosen freeholders of the county of Camden such fees as are or shall be allowed by law in such cases, and such compensation for the board and care of such prisoners as the boards of chosen freeholders of the said counties of Gloucester and Burlington, respectively, shall deem just and reasonable. Jails of the counties of Gloucester and Burlington constituted jails of Camden.

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

Approved January 31, 1849.

AN ACT to incorporate the West Jersey Ferry Company.

WHEREAS Abraham Browning, Genge Browning, Maurice Browning, Charles Browning, Edward Browning, Eleanor Browning, and Catharine Browning now own the ferries between Market-street, in the city of Camden, and the city Preamble.

of Philadelphia, with the real estate, boats, slips, and appendages belonging thereto; which property, not being in its nature susceptible of division without great prejudice, and liable to embarrassment and inconvenience by death or other misfortune, while thus jointly held, the said owners desire to be incorporated, that they may, with greater security to themselves and advantage to the public, improve said ferries—now therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Abraham Browning, Genge Browning, Maurice Browning, Charles Browning, Edward Browning, Eleanor Browning, and Catharine Browning, and such other person or persons as may be hereafter associated with them, shall be, and hereby are ordained, constituted, and declared a body politic and corporate, in fact and in law, by the name of "the West Jersey Ferry Company," for the purpose of continuing, establishing, and improving the ferry or ferries now owned by the persons named in the preamble to this bill, from, at, or near the foot of Market-street, in the city of Camden, to some point or points upon the river Delaware, within the city or county of Philadelphia, in the state of Pennsylvania; and for that purpose the said company may purchase or lease real estate, and erect wharves, piers, slips, buildings, and other necessary appendages, at or near the foot of said Market-street and at their landing place or places within the said city or county of Philadelphia; and may build or purchase steamboats, vessels, and other ferry boats, of such description and dimensions as they may think proper, and as may be necessary for the establishment and continuance of a complete ferry or ferries between said cities; and it shall be the duty of said company to keep a steamboat or boats running at said ferry or ferries in the day time, for the accommodation of the public at all seasons of the year, under the penalty of fifty dollars for each failure or refusal, to be sued for by the party demanding and refused to be taken across said river, in any court of record in this state; *provided*, that the said forfeiture shall not attach or be recovered when the navigation of said river is impracticable or imminently dangerous.

Style of incorporation and general powers.

Corporators may sell or assign property.

2. *And be it enacted*, That it shall and may be lawful for the said corporators, or any one of them, to lease or sell, convey or assign, all or any portion of their said ferry property, real or personal, to the said company; and any lease, deed of conveyance, assignment, or other transfer, made and executed by them, or any of them, shall be as good and sufficient to pass the term, property, or estate therein mentioned and described, as the same would be if made and executed by any other person or persons.

3. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of five hundred dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such instalment or instalments, and upon such notice, as the said company may, by by-laws or otherwise, direct or appoint; and in case of a failure by any stockholder to pay his or her instalment or instalments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, to the use of said company. Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that every share of stock shall be entitled to one vote by the holder or holders thereof, which may be given in person or by proxy; and that the board of directors of said company may, at any time hereafter, increase their capital stock to any amount not exceeding three hundred thousand dollars. Capital stock may be increased.

5. *And be it enacted*, That until the board of directors shall be enlarged, as herein after provided for, the affairs of said company shall be managed by a board of five directors, any three of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn; and that the said Abraham Browning, Genge Browning, Maurice Browning, Charles Browning, and Edward Browning shall be, and hereby are appointed the first board of directors, to serve until the first Monday in October next or until others shall be elected in their stead; and the said directors, or a majority of them, shall, as soon as conveniently may be hereafter, appoint one of their number to be president of said company until the said first Monday in October next, or until 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 may, at their next or any subsequent stated meeting, fill such vacancy until the then next annual election of directors; and no person shall be a director but a stockholder; and a majority of the directors shall reside in the state of New Jersey. First directors.

6. *And be it enacted*, That there shall be an annual election of directors, held at some place in the city of Camden, on the first Monday in October next; and that all subsequent annual elections of directors shall be held at such time and place, and upon such notice, as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not Time and mode of annual election of directors.

be had on the said first Monday in October next, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, to serve until the then next annual election of directors and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board or upon the call of the president.

Number of directors may be increased.

7. *And be it enacted*, That the board of directors for the time being may, at any regular meeting of the board, by unanimous resolution of all present, increase the number of the board of directors to nine; and when said board shall be so increased, and for ever thereafter, the affairs of said company shall be managed by a board of nine directors, a majority of whom shall reside in the state of New Jersey, any five of whom shall be a quorum for the transaction of business, but any less number may adjourn; and whenever the board of directors shall so increase their number, they shall, by advertisement for at least twenty days in one or more of the newspapers published in the city of Camden, call a meeting of the stockholders, for the purpose of electing nine directors to serve until the then next annual election of directors.

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

Rates, &c.

For each passenger, five cents.
Single passenger, in wherries, ten cents.
For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests, and scow baskets to be rated according to the number of bushels they hold, for each bushel, one cent.
All articles containing marketing to return free, if empty, otherwise to pay the usual rates.
For a two horse load, with or without the carriage, not otherwise rated, twenty-five cents.
A barrel of salt, plaister, flour, sugar, liquor, &c., eight cents.

A hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents.
Stove of cast iron, of six or more plates, ten cents.
Salt, plaister, grain, clover, and other grass seeds, per bushel, two cents.
Flour, beef, pork, iron, &c., per hundred weight, three cents.
Coffee, per bag, chests, large trunks, &c., five cents.
Soap, candles, glass, chocolate, &c., per box, three cents.
Windsor chairs, per dozen, bureau, bedstead, clock-case, &c., ten cents.
Lumber, per hundred feet, ten cents.
Live calves and fat hogs, per head, five cents.
Sheep and store hogs, do., three cents.
Fat cattle, do., twenty-five cents.
Cow and calf, twenty cents.
Store cattle, horses, and mules, &c., fifteen cents.
Sideboard, twenty cents.
Desks, secretaries, &c., fifteen cents.
Tables, stands, feather beds, mattresses, large chests of tea, five cents.
Crate or tierce of earthenware, hamper of bottles, fifteen cents.
Fresh shad, per hundred, or herring, per thousand, twenty cents.

CARRIAGES AND DRIVERS.

Every four wheel carriage, drawn by four horses, sixty cents.
" four do., " two " thirty cents.
" two do., " two " twenty-five cents.
" four do., " one " twenty-five cents.
" two do., " one " twenty cents.
Market carriages, with their drivers, including fish wagons, going to or returning from market, with four wheels, drawn by two horses, thirty cents.
Four wheels, drawn by one horse, twenty cents.
All passengers in carriages, except the driver, to pay the same as other passengers.
Carriages of burthen, to include charcoal, tin wagons, pedler's, &c., with their drivers, two horse loads, thirty-five cents.
Unloaded, twenty-five cents.
One horse load, twenty-five cents.
Unloaded, twenty cents.
For carrying hay, straw, hemp, flax, and other bulky articles, two horse load, fifty cents.
Unloaded, thirty cents.
One horse load, forty cents.
Unloaded, twenty cents.

Each additional horse, ox, or mule, fifteen cents.
Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free.
Charity schools, with their teachers, to pass free.

The above rates to be taken spring, summer, and fall; and the rates of ferriage and freight shall not at any time exceed double those rates.

Semi-annual dividends to be made.

9. *And be it enacted*, That dividends of so much of the profits of the company, as shall appear advisable to the board of directors, shall be made, and paid to the stockholders semi-annually, at such stated periods as the said board shall determine; and at each annual meeting of the stockholders for the purpose of election, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts, and papers of the company, if required to do so by any person or persons being stockholders.

Penalty for injuring works, &c.

10. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Camden or alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered, in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Act to be public act.

11. *And be it enacted*, That this act shall continue in force for thirty years, and shall be deemed and taken as a public act; and the legislature reserves the right, at any time, to alter, amend, or repeal the same.

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

Approved January 31, 1849.

AN ACT to incorporate the Farmers Bank of Wantage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthew H. Cooper, John B. Decker, Lewis Dunn, William J. Wilson, James C. Havens, Isaac Bonnel, and Samuel Whitaker, or a majority of them, be appointed commissioners to open a subscription, at Deckertown, in the county of Sussex, to raise the sum of fifty thousand dollars, in shares of one hundred dollars each; the said commissioners to give notice of the time and place or places of meeting to open the books of subscription, by advertising the same in the newspapers published in the said county of Sussex, at least three weeks, and to keep open the said books, from day to day, for three days; and if the whole amount shall not have been subscribed, the said commissioners may keep open the said books until the whole amount shall have been subscribed; and should more than fifty thousand dollars be subscribed, the said commissioners shall make an equitable deduction and apportionment; *provided*, that no stockholder residing out of this state shall be entitled to vote, either in person or by proxy, at any election to be held under this charter. Commissioners to open books of subscriptions.

2. *And be it enacted*, That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be, and hereby are created and made a body corporate and politic, by the name and style of "the President, Directors, and Company of the Farmers Bank of Wantage;" and their banking house and place of business shall be located at Deckertown aforesaid. Style of incorporation.

3. *And be it enacted*, That the sum subscribed shall be paid in the following manner, that is to say: ten dollars on each share, at the time of subscribing, to the persons receiving subscriptions, and the remainder, in instalments of five dollars on each share, when called for by the president and directors of said company, appointed and chosen as herein after mentioned, by thirty days' previous notice being given, by the cashier of the said company, in the newspapers printed in said county; and any person or persons failing to pay any instalments, or any part thereof, at the time so subscribed and required, shall forfeit to the said company every share upon which there shall be any deficiency, and all money thereon previously paid; but the said instalments shall not be called in oftener than once in every thirty days. Instalments, how paid.

4. *And be it enacted*, That as soon as thirty thousand dollars shall have been subscribed, the commissioners herein before mentioned, or a majority of them, shall call a meeting of the persons so subscribing, to be held at Deckertown aforesaid, Time and mode of annual election of directors.

by giving at least three weeks' previous notice thereof in the said newspapers; and the said subscribers, assembled upon such notice, at the time and place mentioned therein, shall choose by ballot, from among the subscribers, by a majority of the votes of the said subscribers, either in person or by their proxies, eleven directors, being residents of this state for the term of one year previous, and shall continue thereafter to be residents of this state; and on the same day annually thereafter a like election, upon like notice, shall be made; and in case of the death, refusal, resignation, disqualification, or removal of any director, the remaining directors, at their next or any subsequent meeting thereafter, shall choose by ballot another person, being a stockholder, in his place for the residue of the said year; and the directors so chosen as aforesaid, or any seven of them, at their first meeting after every general election, shall elect from among themselves, by a majority of the directors present, a president, who shall be an actual resident in the said county of Sussex; and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet as soon as convenient thereafter, and elect, in like manner as before mentioned, another person qualified to act as president for the residue of the year; *provided*, that in case it shall happen that an election of directors shall not be made on the day herein prescribed, the company shall not thereby be considered to be dissolved, but it shall be lawful, on any other day thereafter, to hold an election of directors for the year, in such manner as is herein before prescribed.

Meetings of directors.

5. *And be it enacted*, That there shall be a meeting of the board of directors at least quarter-yearly, who shall have power to adjourn from time to time; and the president and any three of the directors may call a special meeting at any other time they may think necessary.

Inspectors to be chosen.

6. *And be it enacted*, That the said directors, at every quarterly meeting, shall choose three of their body to inspect the business of the company for the ensuing three months; and the inspectors so chosen shall, twice every month, examine into the state of the cash account and other business of the said company, and see that the accounts are regularly balanced and transferred, and make report thereof at the next meeting of the board.

Stock to be personal estate.

7. *And be it enacted*, That the capital stock and property of the said corporation shall be deemed personal estate.

Constitution of company.

8. *And be it enacted*, That the following shall be the fundamental articles of the constitution of said company:

ARTICLE I.

The number of votes to which each stockholder shall be entitled shall be according to the number of shares he, she, or they shall hold, in the proportion following, that is to say: for one share, and not exceeding ten shares, one vote for every share; for every two shares above ten, and not exceeding twenty shares, one vote; for every five shares above twenty shares, and not exceeding forty shares, one vote; and for every ten shares above forty shares, one vote, which he, she, or they have held in his, her, or their name or names, and have been the owner of for at least three months before the time of voting.

ARTICLE II.

For the well ordering and conducting the election of directors, the stockholders, at their annual meeting, shall appoint three of the stockholders, not being directors or candidates for any office, to be the judges of the election, who shall be authorized to conduct and regulate the same, and shall be sworn or affirmed faithfully and impartially to execute the duties of their appointment.

ARTICLE III.

A general statement of the affairs of the said company shall be exhibited every year, at the banking house of the company, at least thirty days before the annual election of directors, and to remain open to the inspection and examination of any stockholder during the usual hours of business.

ARTICLE IV.

That all the books of said company shall, at any times during the usual hours of transacting business, be opened to the examination of every stockholder of such company for fifteen days previous to any election of directors; and if any officers having charge of such books shall, upon demand by any stockholder as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall, for every such offence, forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New Jersey, and the other moiety to the person who will sue for the same, to be recovered by action of debt in any court of record, together with the costs of such suit; and further, that the book or books aforesaid shall be evidence who are the stockholders of such company entitled to examine such book or books, or to vote in person or by proxy at any election for directors of said company.

ARTICLE V.

Not less than seven directors shall constitute a quorum to do

business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director chosen by the directors so met for business; *provided however,* that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE VI.

The directors shall make such compensation to the president, for his services in the business of said company, as shall appear to them reasonable, but in fixing such compensation the president shall not be entitled to a vote; but no other director shall be entitled to any emolument, unless the same shall be allowed by the stockholders at their annual meeting for election of officers.

ARTICLE VII.

The shares of the capital stock at any time owned by any stockholder shall be transferable on the books of said company, only according to such rules as shall be instituted in that behalf by the laws and ordinances of the said corporation; and no transfer of such stock of the said corporation shall be valid and effectual until all debts which may be due to said company from the person transferring shall have been discharged, and such registered in a book or books kept for that purpose; the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively, and shall enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by order of 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, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effect as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in payment of all debts due to the said corporation.

ARTICLE VIII.

The total amount of the debts which the said corporation shall at any time owe, whether by bond or bill, or note or other contract, shall not exceed double the amount of the capital paid in; and in case the said debts shall exceed double the amount of the capital paid in, then and in such case the directors (except as herein after excepted), under whose admin-

stration such malpractices shall occur shall be liable to pay to every creditor of the said bank the amount of such claim such creditor may have against said bank, to be recovered by action of debt, with costs of suit; *provided always*, the money deposited in the bank of said company shall not be considered as the debts of the said bank, within the provisions of this clause; *and provided also*, that no director shall be liable as aforesaid, who shall have been absent from the meeting of the board, or shall have dissented from the act or resolution by which such malpractice shall have been authorized; *and provided also*, that such director shall forthwith give notice of the fact of his absence or dissent to the governor of the state for the time being, and to the stockholders at a general meeting, which the said director shall have power to call for that purpose.

ARTICLE IX.

After the first year, half-yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable; but the said directors shall not, at any time, make any dividend of any part of the capital stock of the said corporation, nor reduce the said capital stock without the consent of the legislature, but only the net profits thereof; and in case of any violation of the provisions of this article of the said corporation, the directors under whose administration it shall happen shall, in their individual and private capacities, jointly and severally be liable to the said corporation, and to the creditors thereof, in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with the legal interest on the same, from the time such liability accrued; *provided*, that any of the directors, who shall have been absent when the same was done, or who shall have dissented from the act or resolution by which the same was done, shall respectively exonerate themselves from such liability, by causing their dissent to be entered at large on the minutes of the said directors at the time the same is done, or forthwith after they shall have notice of the same, and by causing a true copy of the dissent, so entered on the minutes, to be published within two weeks after the same shall have been entered on the said minutes, in a public newspaper published in the county of Sussex, and if no public newspaper be published in the said county of Sussex, then in a newspaper printed in an adjoining county to the said county of Sussex, and circulating in the neighbourhood of the office or place of business of said corporation; *and provided also*, that this article of the said corporation shall not be so construed as to prevent a division and distribution of the capital stock of said corporation which

shall or may remain after paying all its debts, upon the dissolution of the said corporation or the expiration of the charter of said bank.

ARTICLE X.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it by way of security for debts previously contracted in the ordinary course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

ARTICLE XI.

The corporation shall not, directly or indirectly, deal or trade in any thing, except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods which shall be the produce of its lands.

ARTICLE XII.

That no loans or discounts shall ever be made by the said bank on the stock note or notes of any stockholder or director; nor shall any note be discounted if any one director present shall object to such discount; and in case of any objection being made, the directors objecting shall not be required to give any reason therefor; nor shall the bank discount any note or bill of exchange, without at least one good endorser thereon.

ARTICLE XIII.

The cashier of the said bank shall be appointed annually, and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty-five thousand dollars, with conditions for his good and faithful discharge of the duties of his office; which bond shall be renewed annually as long as he may continue in office.

ARTICLE XIV.

Each director and cashier of said corporation, before he enters on the duties of his office, shall take an oath or affirmation that he will faithfully execute the duties of his office, according to the provisions of this act and according to the best of his skill and understanding; which oath or affirmation shall be taken and subscribed before some judge or justice of the peace, and filed in the office of the clerk of Sussex county.

9. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than is now or may be authorized by law, and which shall not be made payable on demand at the office of the said banking company. Description of notes to be issued.

10. *And be it enacted*, That this corporation shall not take more for or upon its loans and discounts than the legal rate of interest for the time being; and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected, and paid in the same manner as taxes on other banks in this state now are or hereafter may be recovered. Rate of interest.

11. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company shall neglect or refuse, on demand being made at their banking house during the regular hours of doing business, to redeem in specie any of the bills, notes, or other evidences of debts issued by the said corporation, and which shall be due and payable, the said president, directors, and company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company shall resume the redemption of their said bills, notes, and evidences of debt in specie within thirty days after such demand shall have been made; and the said company shall be liable to pay the holder or holders of such notes and bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the nonpayment thereof, at and after the rate of ten per centum per annum, from the time of such demand until the same shall be paid or otherwise satisfied; and the president and directors of said corporation shall, individually, jointly, and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they, or any of them, may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused; and upon judgment being rendered, execution may issue thereon, as in other cases. Penalty for refusing to redeem bills.

12. *And be it enacted*, That in each and every year the president and cashier, under the seal of the corporation, and under oath or affirmation, shall furnish to the treasurer of the Annual statement.

state, to be laid before the legislature, a correct statement of the stock of said company, and the manner in which the same is employed, and of their debts and credits; and if they fail to render such statement their charter shall be void.

Capital stock may be increased.

13. *And be it enacted*, That if the said company shall at any time hereafter deem it expedient, it shall be lawful for them to increase the amount of their said capital stock to one hundred thousand dollars, by opening subscriptions for the additional sum of fifty thousand dollars, in the same manner and under the same provisions as is directed and contained in the first section of this act, and subject to all the conditions and regulations herein before imposed, except that the commissioners for receiving said subscriptions may be appointed by the said company.

Affidavit to be made of amount of capital.

14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that thirty thousand dollars of the capital stock of said corporation has been subscribed and paid, in conformity to this act.

Limitation.

15. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years from the passing thereof, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 2, 1849.

AN ACT to prevent swine from running at large in the town of Mount Holly, in the county of Burlington.

Preamble.

WHEREAS serious inconvenience is felt by the inhabitants of the town of Mount Holly, in the county of Burlington, in consequence of the owners of swine permitting them to run at large; and whereas no adequate remedy is provided by law—therefore,

Swine may be impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who is a resident of the town of Mount Holly, in the township

of Northampton, to drive or convey to the public pound in said township any swine found running at large in the public streets, highways, or otherwise, within the circuit of three-quarters of a mile from the court-house in said town, and impound the same; and the keeper or keepers of the public pound in said township is or are hereby required and authorized to receive all such swine; and the party (or the poundkeeper, if the duty is performed by him,) shall have twenty-five cents per head for impounding each swine; and the keeper shall have the sum of twenty-five cents for letting in and out of the pound, for each and every one, and for feeding and attending, five cents per head, for every twenty-four hours they shall continue in said pound; and if the owner or owners of the said swine so impounded shall not pay the charges of impounding and keeping, within four days after such swine shall be impounded, and take the same away, it shall then be the duty of the said poundkeeper to set up advertisements in three of the most public places in said town, describing such swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the said swine before the time so notified, the said poundkeeper shall sell the same accordingly, and, out of the moneys arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for pounding, keeping, and feeding said swine, and twenty-five cents for advertising, sale, and collecting the money for each swine, and return the surplus to the owner of the swine, if they shall appear and claim the same; and if no owner shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer of the poor of the said township, for the use of the poor of said township.

Fees of keeper.

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

When act to take effect.

Approved February 2, 1849.

AN ACT to set off from the township of Franklin, in the county of Bergen, a new township, to be called the township of Hohokus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Franklin, in the county of Bergen, that lies north of the follow-

Boundaries of township.

ing line: beginning at the Saddle river creek, at the upper end of Daniel Perry's mill pond, opposite the course of the road leading from the Saddle river road to Fairfield; thence a straight course to said road; thence, along the middle of said road, until it intersects the road leading from New Prospect to Paramus; thence across said road, the course of the aforementioned road, direct to the Paterson and Ramapo railroad; thence along said railroad, northerly, to the Hohokus brook; thence along said Hohokus brook, westerly, until it crosses the public road leading from Campgaw to Paterson, at the upper end of John Halsted's mill pond; thence westerly, along the line between lands of Andrew G. Ackerman, Abraham J. Hopper, Henry Sturr, Conrad Sturr, and Peter H. Pulis, on the north, and Lewis Youmans and others on the south, to the middle of the road leading from Wycoff to Campgaw, at the southeasterly corner of lands of Peter H. Pulis; thence westerly, along the middle of said road, to the division line between lands of Henry B. Winter and Daniel Thomas; thence a straight course to the middle of the Yaupoh road, north of the house of David Bertholf, at the intersection of the mountain road leading from Wynockie; thence a northwesterly course through the Ramapo mountain, parallel with the New York state line, to the line between the counties of Bergen and Passaic, 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 Hohokus, in the county of Bergen.

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Hohokus 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 Hohokus, 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 annual town meeting.

3. *And be it enacted*, That the inhabitants of the township of Hohokus shall hold their first annual meeting at the house of John W. Ramsey, at Mount Prospect, in said township of Hohokus, 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 in the morning 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 meeting 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 Franklin.

Town committee to divide property.

4. *And be it enacted*, That the town committees of the townships of Franklin and Hohokus shall meet, on the first Monday after the next annual town meeting in said townships, at the inn now occupied by Andrew G. Ackerman, at Campgaw, in said township of Hohokus, 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 Franklin and Hohokus 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 Franklin at the last annual assessment; and the inhabitants of the township of Hohokus shall be liable to pay their just proportion of the debts, if any there be; and if any of the town committee shall neglect or refuse to attend the meeting as aforesaid, those present may proceed to make such division, and shall have full power to adjourn from time to time, and to such place as they think proper; and their decision, or the decision of a majority of them, shall be final and conclusive.

Settlement of paupers.

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

Commissioners to survey line.

6. *And be it enacted*, That Garret Van Dein, James Young, and Abraham H. Lydecker, or any two of them, be, and they are hereby appointed commissioners to run, survey, and ascertain the line herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, and be paid the charges and expenses of the same, in the same manner, in all respects, as if they had been appointed commissioners for the purpose by the inferior court of common pleas of the county of Bergen, upon the application of the board of chosen freeholders of the said county, except that it shall not be necessary for the said commissioners to give notice of the time and place of meeting to perform the duties of their appointment.

When act to take effect.

7. *And be it enacted*, That the preceding section of this act shall go into effect immediately after the passage thereof, and that the remaining sections shall go into effect on the second Monday in April next.

Approved February 5, 1849.

AN ACT for the protection and preservation of the burying ground adjoining the premises of the First Presbyterian Church in Newark.

Preamble. WHEREAS it is represented, by the petition of lotholders, that the said burying ground has long been one of the principal places in Newark for the interment of the dead, where now lie the remains of a large number of her former inhabitants; that the title to the said ground is vested in separate owners of lots, some of whom have removed from Newark, and the right of many others is in numerous, remote, and unknown descendants, and there is no sufficient power to regulate, superintend, or protect it, or seek redress for injuries committed by encroachments or otherwise; and that it is liable to be desecrated, and become an object painful to relatives and a reproach to the living; that access to said burying ground is over the lot on which the said First Presbyterian Church is erected, with which lot it is connected—therefore,

Trustees to regulate and improve grounds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the said First Presbyterian Church in Newark, and their successors, be, and they are hereby authorized and empowered to superintend, regulate, protect, and improve the said burying ground; and for the protection of the same, and to prevent and redress all encroachments or intrusions thereon, they are hereby authorized to prosecute any proper suit or action, in the name of "the Trustees of the First Presbyterian Church in Newark," in any court of competent jurisdiction in said state; and, for the purposes of any such action, the said trustees shall be deemed to be in the lawful possession of said burying ground.

Penalty for depredations 2. *And be it enacted*, That if any person or persons, whatsoever, shall wilfully commit any injury to the monuments, grave-stones, fences, trees, or shrubbery in said burying ground, or commit any other trespass thereon, every person or persons so offending shall forfeit and pay, for each offence, the sum of ten dollars, and pay all damage exceeding that sum, to be recovered by an action of debt in the court for the trial of small causes, in the name of said trustees as aforesaid; and all sums recovered shall be expended by them for the improvement of said burying ground.

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

Approved February 6, 1849.

A supplement to an act entitled, "An act to incorporate the Newark Gas Light Company," passed March twenty-seventh, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of the said Newark Gas Light Company to enlarge their capital stock, by adding to the sum heretofore authorized the sum of one hundred thousand dollars, to be subscribed in such manner and at such time or times as they may deem expedient and proper. Capital stock may be increased.

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

3. *And be it enacted*, That so much of the eleventh section of said act, to which this is a supplement, as limits the duration of the charter of the company to twenty years, be, and the same is hereby repealed, and that the charter of said company shall be extended to thirty years from and after the passage of this act. Part of former act repealed.

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

Approved February 7, 1849.

AN ACT to validate and confirm certain official acts and proceedings of the orphans' court of the county of Cumberland.

WHEREAS, under and by virtue of the third section of the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state," it has been the uniform practice of the orphans' court of the county of Cumberland to commence its terms on the Monday preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county; and whereas such has been the practice of said orphans' court up to, and including the term of November last past; and whereas, by an act Preamble.

entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, it is enacted that the orphans' court of the county of Cumberland shall be held on the second Tuesday of February, May, August, and November, respectively, and not otherwise; now, therefore, in order to obviate any injury which might accrue to persons interested, from the above facts, and in order to validate and confirm all proceedings had and done by said orphans' court on the Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county, since the act entitled, "An act to ascertain the times and places of holding certain courts," took effect—

Former proceedings of court declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all orders and decrees, and all other official acts and proceedings, made or had by or before the orphans' court of the county of Cumberland, on the several Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county, since the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, took effect, shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such orders and decrees, and other official acts and proceedings, had been made or had on the Tuesday next succeeding the day on which they respectively bear date.

Official acts of surrogate declared valid.

2. *And be it enacted*, That all official acts and proceedings had, made, or done by the surrogate of the county of Cumberland, on the several Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county, since the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, took effect, and all advertisements and notices given by said surrogate of acts or things to be done on such Mondays by the orphans' court of said county, since the said act took effect, shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such official acts and proceedings had been made or done by said surrogate on the Tuesday next succeeding the day on which they were made or done; and all such advertisements and notices by him given shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such advertisements and notices had been given by said surrogate for the Tuesday next succeeding the Monday for which they were respectively given.

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

Approved February 9, 1849.

AN ACT to incorporate the Bordentown Mutual Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Garret S. Cannon, Amos Hendrickson, Louis Mailliard, Robert Hankins, Charles G. Ferguson, and Whitall Stokes, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the Bordentown Mutual Fire Insurance Company," to be located at Bordentown, in this state; and by that name they and their successors shall and may have 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 manner of actions, suits, complaints, matters, and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they and their successors, by the name of "the Bordentown Mutual Fire Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the uses of the said corporation; *provided*, the said estate which it shall be lawful for the said corporation to hold be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken as security for the payment of debts; nor shall the yearly income of such real estate exceed four thousand dollars.

Names of corporator

Style of the corporation and general powers.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with said company shall, while they so continue, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by seven directors, a majority of whom shall be residents of the borough of Bordentown, to be chosen by ballot, by and from among the members, and shall hold their offices for one year and until others are chosen; and that the election for directors shall be held on the third Monday of April in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one of the newspapers printed or circulating in the county of Burlington, at least ten days previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; *provided*, that the persons named in the first section of this act shall be directors until others are chosen in their stead.

Time and mode of annual election of directors.

What property may be insured.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective dwelling houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire.

Members to appoint officers, &c.

4. *And be it enacted*, That at the annual meeting of the said corporation, or at any general meeting of the same, which general meeting may be called by any three directors, it shall be lawful for a majority of the members present to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper for the management and disposition of the property, estate, and effects of the corporation, for the regulation of the mode of effecting insurance in said corporation, and of valuation of property insured or to be insured thereby, and to fix rates of insurance and fees of officers, and for such other matters as appertain to the business of the said corporation; and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers, agents, or servants as by them shall be deemed proper, to which offices the directors shall be eligible; *provided*, that a majority of the members present at such annual or general meeting may, by resolution, vest any or all of the powers given in this section in the board of directors; *and provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution of the United States and to the constitution and laws of this state.

Directors to appoint president and treasurer.

5. *And be it enacted*, That, at the first meeting of the directors held after their election in each year, the directors shall choose from among themselves one person for president, who shall continue in office until the next annual meeting and until another shall be chosen in his place; they shall also elect a treasurer, and require him to give bond to the corporation for the faithful performance of his duty, for such sum as to them shall appear to be sufficient.

Assessment to be made in case of loss.

6. *And be it enacted*, That all policies of insurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall 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 corporation, or their representatives, according to the amount of each mem-

ber's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, and one per centum on the principal sum mentioned in each policy, which rates or assessments shall be approved of by a majority of the whole number of directors; and notice in writing shall be given by the secretary to each member, or his representative, of his assessment, and the amount by him, her, or them to be paid; and each and every member, or his representatives, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the corporation; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

What money to be drawn from treasury.

7. *And be it enacted*, That no money shall be drawn from the treasury of the corporation, except for the purpose of paying damages in case of loss by fire, and for other purposes, to be provided by the by-laws, rules, and regulations.

Assignment to be registered.

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

Persons insured may sue for payment withheld.

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

Limitation.

10. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporotion 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, A. D. eighteen hundred and forty-six, so far as the same are applicable.

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

Approved February 9, 1849.

AN ACT to incorporate the Newark Orphan Asylum Association.

Preamble. WHEREAS a number of females, inhabitants of the city of Newark and its vicinity, in this state, have formed an association, or society, assuming the name of the Newark Orphan Asylum Association, the object of which is the support and moral and religious instruction of destitute orphan children of the city of Newark, and of other parts of the state of New Jersey, and training them to habits of industry; and whereas it is apprehended that the objects of the said association will be promoted by an act of incorporation, and a petition for that purpose has been presented—therefore,

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Mrs. Maria Alling, wife of Pruden Alling, Mrs. Eliza Baldwin, Mrs. Isabella Bokee, wife of John J. Bokee, Mrs. Elizabeth Conover, Mrs. Jane E. Crockett, wife of Caleb P. Crockett, Mrs. Ann T. Smith, Mrs. Teresa Dunn, wife of Samuel C. Dunn, Mrs. Ann Hague, wife of James Hague, Mrs. Mary V. Hayes, wife of Oliver J. Hayes, Mrs. Caroline Hartshorne, wife of John Hartshorne, jun., Mrs. Mary Hovey, wife of Henry R. Hovey, Mrs. Sarah Hall, wife of Charles Hall, Mrs. Harriette Kidder, wife of Daniel P. Kidder, Mrs. Maria L. Kitchen, wife of Ziba H. Kitchen, Mrs. Ruth A. Lafon, wife of Thomas Lafon, Mrs. Mary R. Martin, wife of Peter W. Martin, Mrs. Sarah Miller, wife of Benjamin C. Miller, Miss Gertrude S. Ogden, Mrs. Phebe Pierson, wife of Abraham R. Pierson, Mrs. Elizabeth Record, Mrs. Abby Ruckel, wife of George C. Ruckel, Mrs. Anna Scott, wife of James Scott, Mrs. Lydia H. Stephens, wife of John H. Stephens, Mrs. Elizabeth S. Underwood, wife of Almon Underwood, Mrs. Clara Van Wagenen, wife of John Van Wagenen, Mrs. Eleanor T. Annin, wife of Jonathan D. Annin, Mrs. Mary Ward, wife of Isaac M. Ward, Miss Lydia L. Ward, Mrs. Hannah M. Wilson, wife of Daniel M. Wilson, Mrs. Adeline B. Woodhull, wife of James H. Woodhull, and their associates, are hereby constituted a body politic and corporate, in fact, name, and law, by the name of "the Newark Orphan Asylum Association," and by that name they and their successors shall have perpetual succession, power to sue and to be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive, and enjoy any lands, tenements, or hereditaments, in fee-simple or otherwise, and any goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and

Style of incorporation and general powers.

the same to grant, convey, assign, sell, or otherwise dispose of, for the purposes of the said corporation; *provided always*, that the net yearly income of such estate shall at no time hereafter exceed in value the sum of ten thousand dollars, nor be applied to any other purposes than those for which this corporation is formed.

Time and mode of annual election of trustees.

2. *And be it enacted*, That the property, affairs, and concerns of the said corporation shall be managed and conducted by thirty trustees, to be elected as follows, namely: on the first Wednesday of October next there shall be an election, from the members of the said corporation residing in the said city of Newark, of thirty trustees; and, at the first or subsequent meeting of the said trustees after said election, the members elected shall proceed to divide themselves into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and the other at the expiration of the third year; and on the first Wednesday of October, in the year eighteen hundred and fifty, and every year thereafter, there shall be elected ten persons as trustees, who shall hold their offices for three years and until others shall be elected in their stead, which elections shall be held under the direction of the trustees for the time being, at such place and upon such notice as they shall think expedient; and in case any vacancy shall happen in the said trustees, by death, removal, resignation, or otherwise, such vacancy may be filled by the said board for the remainder of the term or until the next election; *provided*, no person shall vote at any such election other than the regular members of the said corporation, who shall have paid at least one dollar during the year next preceding such election for the use of the said corporation, or shall have paid twenty-five dollars at one time, which shall constitute her a life member; and a majority of such members voting at any such election shall be required for the election of such trustees; and the persons named in the first section of this act shall constitute the first trustees of the said corporation.

Objects of incorporation.

3. *And be it enacted*, That the object of the said corporation shall be the support and instruction primarily of destitute orphan children of the said city of Newark, and, as the means of the said corporation will admit, the support and instruction, under such regulations and upon such contributions as the said trustees shall ordain and require, of destitute orphan children of other parts of this state, and to provide a suitable asylum for such children, to be located in the city of Newark; and, for the purpose of better educating the said children, they shall be trained to habits of industry, and have the benefit of moral and religious instruction.

Trustees may make by-laws.

4. *And be it enacted*, That a majority of the trustees shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by-laws, rules, and regulations as to them shall seem needful and proper for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act, the constitution of the association, or the laws of this state; and the said trustees shall have power, by the by-laws of the said corporation, to delegate such administrative powers as they shall deem proper to such committees of their own number as they shall appoint.

Officers of incorporation.

5. *And be it enacted*, That the said board shall, as soon as conveniently may be after the passage of this act, and after every annual election, choose by ballot, from their own number, a first and second directress, a recording secretary, a corresponding secretary, and a treasurer; and the duties and powers of the said officers, the qualifications of membership, and of all officers of the said corporation, shall be defined by the constitution now existing and such by-laws of the said corporation as they may hereafter make; *provided*, that the treasurer shall enter into such security as by the by-laws of the corporation shall be required.

Property not to be taxed.

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

Husbands not to be liable.

7. *And be it enacted*, That the husband of any married person, who is or may be a member or officer of the said corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or misfeasance of his wife, or upon any subscription or engagement of his wife, but shall be accountable to the said corporation for any money received from his wife belonging to said corporation.

Public act.

8. *And be it enacted*, That this act be, and is hereby declared a public act, and that it shall be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

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

Approved February 9, 1849.

A further supplement to the act entitled, "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers."

Preamble.

WHEREAS the Morris Canal and Banking Company, as now constituted, under the sale made in accordance with the decree of the court of chancery, dated tenth day of July, eighteen hundred and forty-four, of the canal, works, waters, privileges, appendages, appurtenances, and chartered rights of the company incorporated under the act to which this is a further supplement, have a nominal capital stock consisting of forty-one thousand shares, of the par value of one hundred dollars each, making the apparent capital of the said company, so constituted, four millions one hundred thousand dollars, which amount of capital far exceeds the value of the property owned by the said company; and whereas the said company are desirous of reducing the number of shares of their stock, and of issuing a preferred stock, and of connecting the navigation of their canal with that of the state of Pennsylvania, and for the more convenient exercise of the chartered rights with which, under the said sale they are invested, are desirous of reducing the number of directors necessary to the transaction of business —therefore,

Capital may be reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company are hereby authorized and empowered to reduce the number of shares of their capital stock to ten thousand two hundred and fifty shares, which shares shall have the same nominal value as heretofore.

New shares may be issued.

2. *And be it enacted*, That it shall be lawful for the said company to issue eleven thousand seven hundred and fifty shares of new stock, to be issued as preferred stock, and to bear such rates of dividends, as the board of directors may prescribe, to enable said company to perfect their canal.

Books of subscription to be opened.

3. *And be it enacted*, That the board of directors shall open books of subscription for the additional stock authorized by this act, and said books shall be kept open from time to time until the whole amount required shall have been subscribed, ten days' previous notice of the time and place of opening said books having been given in three newspapers published in this state, one at the city of Trenton, one at the city of Newark, and one at Morristown, and in three newspapers published in the city of New York, and three newspapers published in the city of Philadelphia.

Subscriptions for additional stock.

4. *And be it enacted*, That the transfer books of said company shall be closed five days prior to the opening of said books of subscription; and the stockholders of the said company, whose names shall then be standing on the stock books of said company, shall have the exclusive right of subscribing for such additional stock during the first three days from the opening of said books; and if more shall be subscribed for by such stockholders than the sum hereby authorized, the same may be apportioned among the stockholders so subscribing, according to the amount of stock then standing in the names of the said subscribers on the stock books of the company; and if the whole amount of such additional stock should not be subscribed by the stockholders of the company, the board of directors shall then be authorized to receive additional subscriptions from time to time from stockholders, or any other persons, until the whole amount of such additional stock shall be taken up.

Notice of manner of payment.

5. *And be it enacted*, That the board of directors shall prescribe and announce, with the proposal for such subscription, the time and manner in which the payments for such additional stock shall be made.

Stockholders to signify their acceptance.

6. *And be it enacted*, That the foregoing provisions of this act shall take effect when, and not until, the same shall have been accepted by the stockholders of the said company; and, for the purpose of obtaining such acceptance, the board of directors of the said company shall call a meeting of the stockholders of the said company, and shall cause notice of the time, place, and object of said meeting to be given for twenty days, by advertising the same in the manner specified in section three of this act; that the transfer books of the said company shall be closed five days previous to the time of meeting so advertised, at which meeting the said stockholders shall be entitled to vote, either in person or by proxy, according to the number of shares standing in their names, respectively, on the stock books, each share of stock being entitled to one vote; and if the holders of two-thirds of the stock represented in such voting accept of the foregoing enactments of this bill, then the same shall take effect, otherwise the same shall be inoperative; *provided nevertheless*, that if, at any time within one year from the passage hereof, such vote shall be obtained in the manner herein prescribed, the said foregoing provisions shall take effect, and that the certificate of a majority of the board of directors, signed and sworn to by them, and filed in the office of the secretary of state, setting forth such acceptance of the stockholders, at a meeting which they certify was held according to the requirements of this act, or a certified copy of such certificate, shall at all times be good evidence of

the acceptance herein mentioned of the said stockholders; *and provided also*, that the foregoing sections shall not take effect until the board of directors of the said Morris Canal and Banking Company shall, by writing duly executed under the common seal of said company, and filed in the office of the secretary of state of this state, surrender all the banking powers and privileges granted by the original charter, and the several supplements thereto.

Quorum.

7. *And be it enacted*, That seven of the board of directors of the said company shall hereafter constitute a quorum for the transaction of the business of said company.

Bridge or aqueduct may be constructed.

8. *And be it enacted*, That, for the purpose of connecting the navigation of the canal of this company with the canal navigation of the state of Pennsylvania, the said company are hereby empowered to erect and construct either a bridge or aqueduct, as to the said company may seem most convenient, across the river Delaware, at or near the western termination of the said canal; *provided always*, that the said bridge or aqueduct shall be constructed in such manner as that the same shall not unnecessarily interfere with the navigation or fisheries of the said river; *and provided*, that the provision of this section shall not take effect until a similar power is conferred upon the said company by the state of Pennsylvania.

Approved February 9, 1849.

AN ACT to alter and amend the charter of the borough of Bordentown, in the county of Burlington.

Preamble.

WHEREAS, it has been found by experience, that the present charter of incorporation of the borough of Bordentown is insufficient to answer the good purposes thereby intended—therefore,

Boundaries of borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Chesterfield, in the county of Burlington, and all that part of the township of Nottingham, in the county of Mercer, which is included in the limits and boundaries herein after mentioned, that is to say: beginning at a small bridge, commonly called Savage's bridge, in the township of Chesterfield, on Thomas Richards' land, adjoining Crosswicks creek; thence running from said bridge on a northwesterly course, which will strike

James J. Taylor's house, to low water mark in the river Delaware; thence down the said river Delaware, a straight course, to Black's creek; thence up the middle of said creek, the several courses thereof, to the floodgates at Justice's mill; thence, along the dam and up the middle of the public road leading from said mill, until the same intersects the public road leading from Bordentown to Mansfield Square; thence, a northerly course, across and by lands of Charles Mickle, Aaron Bellangee, and Joseph H. Cook, to the intersection of the Plaster mill road with the road leading from Bordentown to Crosswicks; thence, a northwesterly course, to the culvert near the Mile hill, under the public road leading from Bordentown to Trenton; thence, down the run from said culvert, to the place of beginning, shall be, and the same is hereby incorporated into a borough, to be called "the Borough of Bordentown."

Officers of borough.

2. *And be it enacted*, That, for the better ordering and governing of the said borough of Bordentown, and the inhabitants thereof, there thall henceforth be in the said borough one mayor, who shall be a resident within said borough, and who shall be keeper of the borough seal, a recorder or borough clerk, and seven common councilmen; which mayor, recorder, and common councilmen shall be one body politic and corporate, in deed, fact, name, and law, by the name, style, and title of "the Mayor, Recorder, and Common Council of the borough of Bordentown," and by the same name shall have perpetual succession; and they and their successors, at all times hereafter, by the name of the Mayor, Recorder, and Common Council of the borough of Bordentown, shall be persons capable in law to have, purchase, take, receive, possess, and enjoy all necessary lands, tenements, hereditaments, liberties, franchises, and jurisdictions, goods, chattels, and effects, to them and their successors for ever, or for any other or less estate, and the same to grant, bargain, sell, alien, convey, demise, and dispose of, to sue and be sued, implead and be impleaded, in any court of justice whatever, and to make and use one common seal, and the same to alter and renew at pleasure.

Meetings of common council.

3. *And be it enacted*, That the mayor and common council of the said borough shall constitute and be called the common council of said borough; and the said common council shall be summoned and held at such times and places in said borough as they may appoint; the mayor shall preside at the meetings of the common council, and have a casting vote only, and if he be absent, one of the common councilmen may be appointed by the members present chairman pro tempore; and a majority of the whole members of the common council shall be a quorum to transact business; and it shall be the duty of the said mayor to call special meetings of the said common

council, and in case of his neglect or refusal to call such meetings, then it shall be lawful for any four members of the said common council to call any meeting or meetings of the said common council, at such time and place as they shall designate or appoint in writing, giving two days' public notice of all such meetings in three of the most public places in said borough.

Time and mode of annual election of officers.

4. *And be it enacted*, That an election by ballot shall be held on the second Monday in April next, and on the second Monday in April every year thereafter, at the town hall in said borough, or at such other place as the common council shall appoint, of which place the recorder or borough clerk shall cause public notice in writing to be set up in five of the most public places in said borough, and also in a public newspaper, if one be published therein, for at least ten days previous to the day of such election; at which election one mayor, seven common councilmen, one recorder or borough clerk, one treasurer, one collector, one marshal, one assessor, one or more constables, not exceeding three, one judge of election, three commissioners of appeal in cases of taxation, one harbour master, and one poundkeeper, shall be annually chosen and elected in said borough, from among the citizens residing therein and entitled to vote at such election; but no person shall be elected or serve as mayor or common councilman of said borough, unless he or they shall have resided therein for one year immediately preceding said election; at which elections the judge of the election, the collector and assessor, shall be judges or inspectors; the poll of such election shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the evening; and that all persons who by law are or may be qualified to vote at elections in this state shall be entitled to vote at such election; and the name of each elector voting at such election shall be written in a poll list by the recorder or borough clerk, and that after the poll shall be closed, the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the recorder or borough clerk of said borough, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall respectively hold their offices for one year and until others are elected in their stead and sworn into office, except that the first election to be held under this act on the second Monday in April next, shall be held at the time, place, and manner aforesaid, under the direction and by the burgesses and town clerk of said borough appointed at the last annual election, as now consti-

tuted; and said burgesses conducting said election shall in all respects be governed by the requirements herein before prescribed.

Vacancies, how supplied.

5. *And be it enacted*, That in case of the death, resignation, inability, disqualification, refusal, or removal out of the bounds of said borough any of the officers mentioned in the preceding section, it may be lawful for the said common council to appoint others in their place or stead until the next annual election, who shall, during the said time, perform the like services, and be entitled to the same fees, and subject to the like responsibilities, as though elected at the annual election.

Officers to take oath.

6. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Burlington, who are hereby authorized and required to administer the same; and the treasurer, collector, constable or constables, and harbour master, so elected, shall each also give bond to the said borough, in such sum and with such sureties as the common council shall approve, for the faithful execution of their respective offices.

Powers and duties of mayor.

7. *And be it enacted*, That the mayor of said borough for the time being shall have all the powers and authorities of a justice of the peace of the state of New Jersey; he shall take cognizance of all fines, forfeitures, and penalties to be laid by the laws or ordinances of the common council of said borough; he shall have power 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 tranquillity, or for a breach of any of the ordinances of said borough; he shall have power to impose fines and penalties upon all persons so offending, and to cause them to be imprisoned in the borough jail, 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; it shall be his duty to see that all ordinances enacted by the common council of said borough are duly published and enforced, and that no shows or exhibitions, of any kind whatever, shall be allowed in said borough, without his express consent and license being first obtained in writing.

Powers and duties of common council.

8. *And be it enacted*, That it shall and may be lawful for the common council of said borough, or a majority of the whole number of them in common council convened, to pass all ordinances for regulating, levelling, grading, paving, flag-

ging, gravelling, improving, cleaning, and repairing the streets, sidewalks, and alleys therein; for preventing the encumbering or obstructing of the same; for preventing persons from riding, driving, or passing over or upon the same with horses, wagons, carts, or carriages, of any description; for ascertaining and establishing the boundaries of all streets and alleys in said borough, and preventing and removing all encroachments in or upon said streets or alleys; for preventing or regulating the running at large of cattle, horses, goats, geese, dogs, and swine; for imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street or alley of said borough; for abating or removing any nuisance in any street or wharf, or on any lot or lots or enclosure, or other place or places in said borough; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets of the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages, in any street, alley, house, or place in said borough; for regulating, protecting, improving, and reclaiming the public grounds or walks in said borough, and sinking and regulating pumps, wells, and cisterns in the streets thereof; for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen and an additional police, and prescribing their powers and duties; for regulating the vending of meats and vegetables; for establishing and regulating a public ground; for regulating butchers, hawkers, pedlers, and petty chapmen within said borough; for restraining vagrants, mendicants, and street beggars; for regulating the police of said borough; for erecting, maintaining, and regulating a public market therein; for erecting and maintaining a borough hall or town house, borough prison and school house or houses, with such other public buildings as may be necessary and convenient in said borough; for regulating all wharves, docks, and piers belonging to or about said borough, and the rates of wharfage; for the more effectual suppression of vice and immorality; for preserving peace and good order; for suppressing and restraining disorderly and gaming houses; for prescribing and defining the duties of the several officers elected in said borough, and such other by-laws and ordinances for the peace, good order, and prosperity of said borough as they may deem expedient, not repugnant to the constitution and laws of this state or the United States; and to enforce the observance of all such laws, by enacting penalties for the violation thereof, either by imprisonment in the borough jail, not exceeding seven days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, and in the name of the treasurer of said borough, before any justice of the

peace or the mayor of said borough, for the use of the corporation of said borough; *and further*, it shall be lawful for any justice of the peace or the mayor of said borough, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under their hand and seal, directed to the keeper of the borough prison; *provided always*, each and every ordinance so passed shall be published in five of the most public places in said borough, by the mayor thereof, for twenty days before said ordinance shall go into effect; *and provided also*, that no ordinance or by-law shall be enacted or passed by said common council, unless the same shall have been introduced before the said common council at a previous meeting.

Licenses, how granted.

9. *And be it enacted*, That the said common council, or a majority of them, in council assembled, shall have the sole, only, and exclusive right and power of granting licenses annually, under the common seal of said borough, to all and every inn and tavern keeper residing within the 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 keepers of oyster cellars within 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 such licenses shall be paid to the borough treasurer, for the use of said borough.

Common council may raise tax.

10. *And be it enacted*, That it shall be lawful for the common council of the said borough to raise by tax, from year to year, such sum or sums of money as they may deem expedient for defraying the necessary and contingent expenses of said borough, not exceeding the sum of three hundred dollars, to be assessed by the assessor upon the actual value of property, and collected by the collector of the said borough; which taxes, when collected, shall be paid into the hands of the borough treasurer, to be subject to the order of the common council; and it shall be lawful for said common council to borrow money from time to time, not exceeding in the whole the amount of one thousand dollars, for all such purposes for which they are authorized to pass ordinances by this act, and to secure the payment thereof by bond, or other instrument, under their common seal and the signature of the mayor, and to provide by tax for the payment thereof.

Salaries of officers.

11. *And be it enacted*, That it shall be lawful for the common council of said borough to pay unto the treasurer, recorder, or borough clerk, collector, assessor, marshal, and other officers and agents of said borough, such compensation for

their services as the common council shall deem reasonable and proper.

12. *And be it enacted*, That the assessor of said borough shall assess upon the persons and property of residents, and the property of nonresidents, within the said borough, and the collector of said borough shall collect the taxes by the laws of said borough directed or required to be assessed or collected within the said borough, in the same manner and within the same time as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes within their respective townships; and the commissioners of appeal in cases of taxation shall meet upon the same day, and upon like notice given, as now is or hereafter shall be by law fixed and required for the meeting of the like officers of the townships of this state, and, when so met, shall have full power and authority to hear and determine all complaints of unjust taxation, in the same manner as the like officers of the townships of this state are authorized and required to do. Assessment of taxes.

13. *And be it enacted*, That the judge of election, and the inspectors and clerk thereof, shall take the like oaths or affirmations, and conduct all elections held in said borough in the like manner, as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the like duties, and be subject to the same penalties, as the like officers of this state are or may be by law invested 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 recorder or borough clerk of the said borough shall procure ballot boxes for the use of said borough, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the like penalties as township clerks are now subject to for neglecting to procure said boxes, and keep the same in repair. Elections, how conducted.

14. *And be it enacted*, That it shall be the duty of the marshal of said borough to execute all process issued or delivered to him to be executed by the mayor of said borough; he shall maintain good order and preserve the peace within the said borough, enforce all ordinances, arrest and imprison all offenders, keep the borough prison and hall, and perform such other duties as may be prescribed by the ordinances of said borough. Duties of marshal.

15. *And be it enacted*, That the constable or constables of

Constables to take oath and give bond.

said borough, hereafter elected by virtue of this act, shall have the same power and authority, and be authorized to perform the same duties, in all respects, in civil as well as in criminal cases, and be entitled to receive the same fees and compensation for his or their services, as if he or they had been lawfully elected to the office of constable at an annual town meeting of the inhabitants of the township of Chesterfield, in the county of Burlington, and had taken the oath or affirmation and given the security required by law; *provided always*, that before any such constable or constables shall proceed to exercise the powers conferred upon him or them by this act, he or they shall take and subscribe such oath or affirmation for the due execution of his or their office, and enter into such bond with sureties, to be approved by the common council of said borough, as he or they would be by law required to take and enter into, if he or they had been elected to the office of constable at an annual town meeting of the inhabitants of the said township of Chesterfield, before he or they proceeded to the execution of the duties of his or their office.

Bond of constable may be prosecuted.

16. *And be it enacted*, That the bond to be given as aforesaid by the said constable or constables, shall be recorded and filed by the recorder or borough clerk of said borough in his office; and the common council of said borough are hereby required and directed, if need be, to prosecute the said bond for or in behalf, and to the use of all and every person or persons whatsoever, who may have sustained loss by the neglect or misconduct of said constable or constables, in executing the duties of said office; and that suits or actions to be brought or prosecuted on said bond or bonds shall and may be brought and prosecuted in the manner prescribed by the third section of the act entitled, "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six.

Duties of constable.

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

Duties of recorder.

18. *And be it enacted*, That the recorder or clerk of said borough shall keep, file, and, when necessary, record all official papers belonging to the same; he shall attend all meetings of the common council of said borough, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings, and of annual and special elections; he shall record, in a proper book to be provided for that purpose, all ordinances passed by said common council, and duly certi-

by the same, and shall perform such other duties as the common council of said borough may from time to time prescribe.

Duties of treasurer.

19. *And be it enacted*, That the treasurer of said borough shall receive and pay out all moneys belonging to said borough, under the direction and authority of the common council, and shall, at least seven days previous to each annual election, make out a full and true account of all the moneys raised by tax or loan for the use of the said borough since the last annual election, and of the application and expenditure of the same, and deliver the said account to the recorder or borough clerk of said borough, to be by him filed in his office; and it shall be the duty of the said recorder or borough clerk to cause a copy of the said account to be set up in three of the most public places in said borough, at least five days previous to the day of each annual election.

Additional tax may be raised.

20. *And be it enacted*, That it shall be lawful for the voters of said borough, at the annual election aforesaid, and by ballot, to direct to be raised by tax from year to year such sum or sums of money (in addition to that herein before directed and authorized to be raised by the common council of said borough) as they may deem expedient for defraying the expenses of lighting the streets of said borough; supporting a night watch or police therein; supplying the said borough with water for the extinguishment of fires and other purposes; for the repairing of the streets of said borough; for improving the public grounds; for erecting and maintaining a public market house, town house, borough prison, and school houses, and for all other purposes and objects authorized by this act, said sums to be assessed by the assessor of the said borough, upon the actual value of property, and collected by the collector of the said borough; but no tax under the authority of said corporation shall be assessed, levied upon, or collected from any timber, wood, or farming land used for the purposes of husbandry only, situate within the boundaries thereof, or upon the stock of any farmer living therein, for the use and support thereof.

Proceedings in case of nonpayment of taxes.

21. *And be it enacted*, That in case of the nonpayment of taxes at the time appointed, the collector of the borough shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to some justice of the peace in the borough on the twentieth day of December in every year, except when the said day shall happen on a Sunday, and then on the next day following.

Justice to issue warrants.

22. *And be it enacted*, That it shall be the duty of the said justice of the peace, on receiving a list of the names of such

delinquents, to administer an oath or affirmation to the said collector that the moneys in said list had been duly demanded, on due notice given or left at the usual place of residence of each delinquent who can be found, or who may then reside in the said borough, and thereupon to give to the said collector a receipt for such list, certifying therein the names of the delinquents, and the sums at which they were respectively assessed; and that it shall also be the duty of the said justice, within five days after the receipt of the list of the names of the delinquents, to make out and deliver to the constable or constables of said borough a warrant or warrants, requiring him or them to levy the tax so in arrear in the manner prescribed by the laws of the state of New Jersey relative to the collection of state, county, or township taxes; and the said constable or constables shall, in the collection of said taxes, and in the payment thereof, be governed by the laws of this state regulating the same in the several townships.

Officers of borough not incompetent as witness or juror.

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

Proceedings in case of failure to hold election on day prescribed.

24. *And be it enacted*, That in case it shall so happen, by any means, that the annual election herein before provided for shall not be held at the time designated as aforesaid, then the mayor and other officers of said borough of the preceding year shall continue to exercise their several offices, powers, and authorities until an election shall be duly held; and it shall be the duty of the common council forthwith to appoint another day for a special election for officers of said borough, of which time the recorder or borough clerk shall give ten days' notice as aforesaid, and which shall be conducted, in all respects, in the manner prescribed herein before for holding annual elections.

Former acts repealed.

25. *And be it enacted*, That all other acts and parts of acts coming within the purview of this act, and contradictory thereto, be, and the same are hereby repealed.

Approved February 13, 1849.

AN ACT for the relief of Sarah Kelly, of the county of Somerset.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and hereby is authorized and required to pay to Sarah Kelly, the widow of David Kelly, deceased, a soldier of the Revolutionary war, or her order, the sum of one hundred dollars per annum during her natural life, in semi-annual payments, of fifty dollars each, the first payment to be made immediately upon the passage of this bill; and the receipt of the said Sarah Kelly, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts. Pension of $100 to Sarah Kelly.

Approved February 13, 1849.

AN ACT to authorize Benjamin Acton to sell and convey certain real estate of David Hacket, deceased, late of the county of Salem.

WHEREAS it is represented to the legislature that David Hacket, now deceased, late of the county of Salem, made and published his last will and testament in writing, duly executed to pass real estate, dated the twelfth of March, eighteen hundred and nine, and duly proved the nineteenth of April, eighteen hundred and nine, among other things in said will, he devised as follows, viz: "And the residue of said plantation, which is on the easterly side of said new road leading from Salem to Sharpstown, I devise to Mary Nicholson, daughter of my said uncle Darken, during her natural life, and upon her decease, I devise the same unto my executors, herein named," (William Wayman and Clement Acton) "and the survivor of them, and the heirs of such survivor, in trust, that they or the survivor, or the heirs of the survivor, may, upon the death of the said Mary Nicholson, sell the said residue of the last mentioned plantation at public vendue, and pay the money thence arising from the sale equally among the grandchildren of my grandmother, Hannah Hacket, who may then be living, share and share alike." Whereas it is further represented, that said David Hacket, after executing said last will, died seized, in fee-simple, of said real estate; the said William Wayman died, leaving his coexecutor, Clement Acton, his survivor; Preamble.

said Clement Acton died, leaving Hannah Swing, wife of Dr. Charles Swing, of Salem county, New Jersey, Margaret, wife of Dr. John D. Griscom, of Philadelphia, Clement J. Acton, of Cincinnati, and Benjamin Acton, of Salem, New Jersey, his children and heirs at law. Whereas the said Mary Nicholson (after the death of said Clement Acton, surviving executor as aforesaid,) departed this life about the twentieth of August, eighteen hundred and forty-eight; and whereas it is represented, that all of the heirs of the said Clement Acton, save and except the said Benjamin Acton, have refused to take upon themselves the trust given them by said testator in said last will, and refuse to act under the same, and sell and convey said real estate, in consequence of which doubts having arisen whether the persons interested in the premises have any relief, either in law or equity, and the said Benjamin Acton alone being willing to take upon himself the burthen of said trust, and carry out the intention of said testator, therefore, in order that the persons interested in the premises may be relieved—

Sale of real estate authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Acton, one of the heirs at law of said Clement Acton, deceased, who was the surviving executor of the last will and testament of said David Hacket, deceased, late of the county of Salem, be, and he is hereby authorized and empowered to sell at public sale, and make, execute, and deliver good and sufficient conveyances in law of the said real estate of the said David Hacket, deceased, and to do all other acts and things in the before mentioned clause of said last will and testament, as all of the said heirs of the said Clement Acton, deceased, surviving executor as aforesaid, could do by their co-operation; which conveyance shall vest in the purchaser or purchasers all of the estate, right, title, and interest which the said David Hacket had of, in, and to the said real estate at the time of his death; and that the acts and things done by the said Benjamin Acton in the premises are hereby ratified and confirmed.

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

Approved February 13, 1849.

AN ACT to incorporate the Passaic Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Cundell, John Hopper, Cornelius S. Van Wagoner, William Crosset, Stephen Allen, Patrick Maginnis, and Abraham Godwin, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Passaic Water Company;" and by that name they and their successors 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 any real or personal estate necessary and expedient to the objects of this incorporation.

Names of corporators.

Style of incorporation and general powers.

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 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.

Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, in the town of Paterson, as they, or a majority of them, may think proper; the books for subscription shall be kept open for at least three days, from ten o'clock in the morning until five o'clock in the afternoon, upon fifteen days' notice being given, in both the newspapers published in Paterson; and, at the time of subscribing, ten per cent. shall be paid on each share subscribed for to the commissioners, or one of them; and as soon as six hundred shares of the said stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose seven directors, a majority of whom shall reside within the present limits of the Paterson Fire Association; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of

Commissioners to open books of subscription.

Election of directors.

those persons duly elected, and deliver over the subscriptions, books, and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said inspectors; and the said directors shall, as soon as may be after their election, choose a president out of their own number, who shall reside within the aforesaid limits; and the directors chosen at each annual meeting thereafter, on the second Monday in June, or on such other day as the directors for the time being shall designate, by a publication in the papers as aforesaid, shall elect a president as aforesaid; and in case of the death, resignation, or removal of the president or any director, the vacancy may be filled by the directors for the remainder of the year; and the said company, when organized as aforesaid, shall have power to erect and maintain all necessary waterworks, fountains, reservoirs, and conduits, and also to obtain and secure the right to use, divert, and appropriate any springs, streams, and ponds of water, or either, in the county of Passaic, as they may deem necessary for the purposes hereby contemplated.

Duties and powers of directors.

4. *And be it enacted*, That four directors shall constitute a quorum, who shall be competent to transact all business of the said corporation; the directors shall have power to call in the remainder of the stock subscribed for, by instalments of two dollars and fifty cents each, upon thirty days' notice, published in said newspapers; *provided*, that not less than thirty days shall intervene between the payments of the respective instalments; they shall have power to forfeit shares upon which default shall arise to and for the use of the company, and make and prescribe such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States; and also to appoint and remove such officers and workmen, and fix the salaries of their presidents, as to them shall seem proper, and annually appoint inspectors of election for directors.

President and directors to erect reservoirs.

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 and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water wheels, force pumps, and all other works and devices, which they may deem necessary for supplying the town of Paterson and village of Manchester, within the limits aforesaid, 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 said president and directors, or others

in their employ, to enter at all times upon all lands or water, in said county, 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 locations shall have been determined on, the president and directors shall cause a map to be made of all the lands (except streets now in use) which they require for the purposes aforesaid, and file the same in the office of the clerk of Passaic; 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 herein after provided for.

Proceedings in case company and owners of land cannot agree.

6. *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 unknown, or out of this state, by publication in both the Paterson papers, 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 the 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 herein before directed, and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of 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 file in the office of the clerk

of Passaic, to remain of record therein; and a copy thereof, certified by the clerk of the 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 said owner or owners the amounts 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 the said company.

Parties aggrieved may appeal.

7. *And be it enacted*, That if the said owners, or any of them, are dissatisfied with the report of the commissioners named 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 such owner had summoned the said company to appear before them; and if the jury, upon the trial of the cause, shall find a greater sum than the commissioners have awarded, or the company offered, in favour of the said owner or owners, then judgment thereon, with cost, shall be entered against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other encumbrance which said company may have given; but if the said jury shall find the same or a 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 injuring works.

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said corporation, such person or persons shall forfeit and pay therefor, to the said company, three times the amount of damages sustained by means of such injury, to be recovered by said corporation, with costs of suit, in an action of debt, in any court having cognizance thereof.

Company may lay pipes beneath streets &c.

9. *And be it enacted*, That the said company be, and they are hereby fully authorized and 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 said 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 or private property.

May sell water.

10. *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, or annual rent, and under such restrictions, as they may think proper.

Time of commencement of work.

11. *And be it enacted*, That if the work of constructing said reservoirs and appendages shall not be commenced in good faith within the term of two years from the date of the approval of this act, the same shall be null and void.

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

Approved February 13, 1849.

AN ACT for the relief of the President, Directors, and Company of the State Bank at Morris.

Preamble.

WHEREAS the President, Directors, and Company of the State Bank at Morris, in course of their business, have been compelled to take real estate and stock of the bank, to a large amount, in satisfaction of debts, and thereby been deprived of the use of a great portion of their capital, and have sustained losses which have reduced the value of the stock; and whereas the said the President, Directors, and Company of the State Bank at Morris have not made any discounts or paid out any bills of said bank for more than a year past, and have petitioned for a reduction of the par value of the shares of stock, and a remission of tax on their capital stock—

Directors to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the shares of stock into which the capital is divided be twenty dollars each, and that the directors of said bank be authorized to open books of subscription for the stock owned by the bank, ten days' previous notice of the time and place of opening said books having been given in the newspapers published in Morristown, and that the stockholders have the exclusive right of subscribing for the same for the space of five days from the opening of said books, in proportion to the number of shares owned by them, respectively,

at the time of said subscription; and if the whole amount of stock should not be subscribed by the stockholders at the expiration of the said five days, the directors shall be authorized to receive subscriptions from stockholders and other persons, until the whole is taken; and at all future meetings of stockholders each share of stock shall entitle the holder thereof to one vote.

Certificate of amount.

2. *And be it enacted*, That as soon as the stock is subscribed, the directors shall make a certificate, under oath or affirmation of the president and cashier, of the amount of capital stock of said bank, and file the same in the office of the secretary of state, and shall annually thereafter, on the first day of January, pay into the treasury of the state the tax on said capital.

Directors to make and file oath.

3. *And be it enacted*, That it shall not be lawful for any person elected a director of said bank, to enter upon the discharge of the duties of his office until he has made and filed an affidavit, or solemn affirmation, in the office of the clerk of Morris county, setting forth that he is bona fide the owner, in his own right, of at least five shares of the stock of said bank, actually paid in, and which is in no manner hypothecated, pledged, or subject to any lien whatever, under the penalty of one hundred dollars, to be sued for and recovered, in an action of debt, by any person who will sue for the same.

When banking operations may be resumed.

4. *And be it enacted*, That the said bank shall not resume or carry on any banking operations or business until the president and cashier of said bank shall make and file in the office of the secretary of this state their affidavit, or solemn affirmation, that said bank has bona fide a cash capital for banking purposes amounting to at least forty thousand dollars.

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

Approved February 14, 1849.

AN ACT to validate and confirm certain official acts and proceedings of the orphans' court of the county of Cape May.

Preamble.

WHEREAS, under and by virtue of the third section of the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court

in the several counties of this state," it has been the uniform practice of the orphans' court of the county of Cape May to commence its terms on the Monday preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county; and whereas such has been the practice of said orphans' court up to and including the term of December last past; and whereas, by an act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, it is enacted that the orphans' court of the county of Cape May shall be held on the second Tuesday of March, first Tuesday of June, August, and December, respectively, and not otherwise; now, therefore, in order to obviate any injury which might accrue to persons interested, from the above facts, and in order to validate and confirm all proceedings had and done by the said orphans' court on the Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county since the act entitled, "An act to ascertain the times and places of holding certain courts," took effect—

Former acts of orphans' court made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all orders and decrees, and all other official acts and proceedings, made or had by or before the orphans' court of the county of Cape May, on the several Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county, since the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, took effect, shall and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such orders and decrees and other official acts and proceedings had been made or had on the Tuesday next succeeding the day on which they respectively bear date.

Official acts of surrogate made valid.

2. *And be it enacted*, That all official acts and proceedings had, made, or done by the surrogate of the county of Cape May, on the several Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace of said county, since the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, took effect, and all advertisements and notices given by said surrogate of acts or things to be done on such Mondays by the orphans' court of said county since the said act took effect, shall and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such official acts and proceedings had been made or done by said surrogate on the Tuesday next suc-

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ceeding the day on which they were made or done; and all such advertisements and notices by him given, shall and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such advertisements and notices had been given by said surrogate for the Tuesday next succeeding the Monday for which they were respectively given.

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

Approved February 14, 1849.

AN ACT to alter and extend the charter of the Union Bank at Dover, in Morris county.

Directors to make and file oath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the directors of said bank, named in the third section of the act entitled, "An act to incorporate the Union Bank at Dover, in Morris county," passed the twenty-eighth day of February, one thousand eight hundred and thirty-two, before entering upon the duties of their office, shall file an oath or affirmation, in the office of the clerk of the county of Morris, that he is the bona fide owner of at least ten shares of the capital stock of said bank, and also an oath or affirmation well and faithfully to perform his duties as such director, according to the best of his skill and understanding.

Nonresident stockholders not entitled to vote.

2. *And be it enacted*, That no stockholder of said bank, except he or she be an actual resident of this state, and a bona fide owner of the stock standing in his or her name, shall vote, either in person or by proxy, at any election for directors of said bank.

Discounts.

3. *And be it enacted*, That the directors of said bank shall meet at stated times, at the banking house in Dover, once in every week at least, for the purpose of discounting; and no discounts shall be made except by the directors at such meeting.

Former act extended.

4. *And be it enacted*, That the said act entitled, "An act to incorporate the Union Bank at Dover, in Morris county," be, and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance, subject, nevertheless, to the provisions of the first, second, and third sections of this act.

5. *And be it enacted*, That the first, second, and third sections of this act shall take effect on the fourth day of July next, and that the fourth section of this act shall take effect at the expiration of the term in and by the said act entitled, "An act to incorporate the Union Bank at Dover, in Morris county," limited for its continuance. Act, when to take effect.

Approved February 14, 1849.

AN ACT to incorporate the New Jersey Exploring and Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Fowler, Robert O. Fowler, Samuel T. Jones, George W. Savage, William W. Campbell, Ludlow Thomas, James L. Curtis, J. Elnathan Smith, and William Ogilvie, their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, in fact and in name, by the name of "the New Jersey Exploring and Mining Company," for the purpose of exploring for minerals, and of mining iron and other ores, and cleansing and manufacturing the same, with power to lease, purchase, and hold such mining rights and real and personal estate as may by said corporation be deemed necessary and advantageous for exploring, mining, conveying, cleansing, and manufacturing iron and other ores, and to sell, lease, and mortgage the same, or any portion thereof, together with all the powers and privileges, and subject to such restrictions, limitations, and conditions, as are specified in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except as otherwise granted in and by this act of incorporation; and this act shall continue in force for the term of thirty years. Names of corporators. Style of incorporation and general powers.

2. *And be it enacted*, That the capital stock of this company shall be six hundred thousand dollars, divided into shares of twelve and a half dollars each; and the said shares shall be deemed and considered personal estate; and it shall be lawful for said company to grant certificates of shares in full or part payment for the real and personal estate and mining rights that may be purchased or leased; and, by the by-laws, to compel payments of instalments, not exceeding three dollars on each share at any one time, not deemed or declared full stock, and on failure to pay any instalment, to forfeit the stock and Amount of capital stock.

all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in a newspaper published in the county of Sussex, and in the cities of Newark and New York.

First directors.

3. *And be it enacted*, That Samuel Fowler, Robert O. Fowler, Samuel T. Jones, George W. Savage, William W. Campbell, Ludlow Thomas, and James L. Curtis shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the third Tuesday in May, eighteen hundred and fifty, and until others are elected or appointed in their stead.

Directors and officers.

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

Time and mode of annual election of directors.

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

Tranfers to be registered

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president or directors for that purpose, which said book or books shall be closed for the purposes of transfer of stock fifteen days before each election for directors; and no person shall be allowed to vote upon any stock, unless the same has been transferred to him or her, and registered in the said transfer books, more than fifteen days prior to the election at which he or she claims to vote; and all the books of said corporation shall be open to the inspection of the stockholders, except the said transfer books.

Location.

7. *And be it enacted*, That the manufacturing of iron, steel,

and other metals from ores, under the authority of this act, shall be carried on in the counties of Sussex and Essex, in this state.

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

Approved February 15, 1849.

AN ACT for the relief of Harvey Dennis.

Citizenship restored.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Harvey Dennis, of the county of Morris, be, and he is hereby restored to all the rights, privileges, and immunities of a free citizen of the said state of New Jersey.

Approved February 15, 1849.

A supplement to the act entitled, "An act to ascertain the times and places of holding certain courts," approved April the eighteenth, eighteen hundred and forty-six.

Stated terms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the orphans' court in and for the county of Cape May shall hold annually four stated terms, at the court house in the Middle Township, at the times following, that is to say: on the Monday preceding the second Tuesday of March, first Tuesday of June, August, and December, respectively, and not otherwise.

Part of former act repealed.

2. *And be it enacted*, That as much of the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth eighteen hundred and forty-six, as requires the orphans' court in and for the county of Cape May to be held on the second Tuesday of March, the first Tuesday of June, August, and December, respectively, and not otherwise, be, and the same is hereby repealed.

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

Approved February 15, 1849.

AN ACT for the relief of the inhabitants of the township of Salem.

Preamble. WHEREAS it is represented to the legislature that the inhabitants of the township of Salem, in the county of Salem, at their last annual town meeting, ordered the sum of three thousand dollars to be raised by taxation to build a school house, under the provisions of the twenty-ninth section of an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six; and whereas it was the evident intent and design of the said twenty-ninth section that the school house or school houses therein mentioned should be used for the education of such poor children as are paupers, belonging to said township, and the "children of such poor parents, resident in said township, as are or shall be, in the judgment of the township committee, unable to pay for schooling the same;" and whereas the said sum of money has been assessed and collected of the inhabitants of the township of Salem, and the township committee have declared their determination not to expend any part of said money for the building of a school house, because there are no pauper children belonging to said township, and so few children of poor parents resident in said township unable to educate them, that no school house is necessary to be built, and the said sum of money is wholly useless and unemployed—therefore,

Money heretofore paid to be refunded. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township collector of the township of Salem, in the county of Salem, or such other officer or officers as may, at the passing of this act, have possession of the money collected by tax, under the authority of the last annual town meeting of said township, shall be authorized and required to pay, within thirty days after the passage of this act, the same being first demanded of him or them, to the several inhabitants of the said township of Salem, in the said county of Salem, the amount of money which was paid to the said township collector by such inhabitant, as his, her, or their share or apportionment of the said sum of three thousand dollars, so ordered to be raised as aforesaid, so that each tax payer of said township shall have paid back the whole amount of his tax for such assessment, to be ascertained by the duplicate of taxes of said township for the year eighteen hundred and forty-eight.

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

Approved February 15, 1849.

AN ACT to confirm the last will and testament of William Deacon, late of the county of Burlington, in the state of New Jersey, deceased.

WHEREAS it appears, among other things, from the petitions of the children and grandchildren of the said William Deacon, deceased, and who are his sole and only heirs at law, that the said William Deacon departed this life, in the month of August last, seized and possessed of considerable estates, real and personal; that, in consequence of his said will having been executed and published in the presence of two subscribing witnesses only, all the devises, orders, and charges therein contained, in relation to his said real estate, are inoperative and void, and the intention of the said testator in disposing of his property is defeated, and great injustice done to those of his children to whom the said lands were devised as an equivalent to the pecuniary legacies devised to his other children and grandchildren; and whereas it further appears that the widow of the said William Deacon, deceased, has departed this life, and that all the heirs at law of the said William Deacon, deceased, have prayed, in their said petition, that an act may be passed by the legislature of this state confirming the said last will and testament in all things, and enacting that the same shall be as valid and effectual in the law as if the said last will and testament had been well executed to pass real estate, in the presence of three subscribing witnesses, as required by the laws of this state—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last will and testament of the said William Deacon, deceased, so far as the same relates to the devises, orders, and charges therein contained of and concerning his real estate, be confirmed in all things, and that the same be as valid and effectual in the law as if the said last will and testament had been well executed to pass real estate in the presence of three subscribing witnesses, as required by the laws of this state. Will of W. Deacon confirmed.

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

Approved February 16, 1849.

AN ACT to authorize Richard Venables, of the city of New York, to build, maintain, and keep in repair a dock or wharf upon and in front of his land in the township of Shrewsbury, in the county of Monmouth, at Eatontown landing.

Preamble. WHEREAS Richard Venables, of the city of New York, hath in his petition represented that he is the owner of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of the South, or Shrewsbury river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said river for the accommodation of vessels navigating the same—therefore,

R. Venables authorized to build dock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Richard Venables, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his lands, in the township of Shrewsbury, in the county of Monmouth, at Eatontown landing, a sufficient distance into said river for the purposes aforesaid; and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, this act shall not affect the legal rights of any other person or persons, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river as to injure or impede the navigation of the same.

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

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

Approved February 16, 1849.

A further supplement to an act entitled, "An act concerning inns and taverns."

WHEREAS serious doubts have arisen in regard to the proper construction of the act entitled, "A supplement to an act concerning inns and taverns," approved March third, eighteen hundred and forty-seven, which was approved March eighth, eighteen hundred and forty-eight, and the mode of punishment intended to be prescribed by that act—therefore, Preamble

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall offer or expose for sale, or sell on the first day of the week commonly called Sunday, any spirituous, vinous, fermented, or other intoxicating liquors; and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not exceeding twenty dollars, together with the costs of the prosecution. Penalty for violation of act.

2. *And be it enacted*, That it shall and may be lawful for any court or body now empowered, or that may be hereafter empowered by the laws of this state to grant licenses to keep inns and taverns, after conviction had under the first section of this act, to revoke and cancel any license granted by them to any inn and tavern keeper who may hereafter offend against the provisions of the first section of this act, upon due proof made that such offence has been committed; and that the powers conferred by this section may be exercised in a summary way, upon petition preferred by any twelve freeholders resident in the county where such offence shall have been committed, upon ten days' notice in writing to the party against whom such proceeding shall be had; and that, upon the hearing of such petition before the proper authority having jurisdiction thereof, a judgment of conviction against the party complained of, if any shall have been rendered under the first section of this act, shall be received as conclusive evidence. License, how revoked.

3. *And be it enacted*, That in all indictments hereafter found under the first section of this act, it shall be sufficient to describe the liquor sold as intoxicating liquor, without specifying particularly the kind or description thereof. Indictments.

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

Approved February 20, 1849.

A further supplement to an act entitled, "An act to incorporate trustees of religious societies."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-fourth section of the act entitled, "An act to incorporate trustees of religious societies," be, and the same is hereby repealed.

Former proceedings of trustees not invalidated.

2. *And be it enacted*, That the acts and proceedings heretofore had and done of the corporations or societies named in or recognized by the said act, shall not be in any wise invalidated or affected for the reason that any trustee or trustees of such corporations or societies have neglected to take and subscribe the oaths required by the said section hereby repealed.

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

Approved February 20, 1849.

AN ACT to authorize the administratrix of James Morris, deceased, to convey certain real estate in the county of Monmouth.

Preamble.

WHEREAS James Morris, now deceased, late of the township of Shrewsbury, in the county of Monmouth, in his lifetime advanced the sum of three hundred and fifty dollars for Mary Longstreth, formerly Mary Brinley; and whereas, to secure the payment of the said sum of money, the said James Morris took a deed in his own name for a house and lot in the village of Eatontown, of much greater value than the sum so advanced; and whereas the said James Morris agreed in writing, attested only by one witness, to make a good and lawful deed for the said premises to the said Mary Longstreth, her heirs, executors, administrators, or assigns, when they should pay, or cause to be paid, to James Morris, his heirs, executors, administrators, or assigns, the sum of three hundred and fifty dollars, with interest; and whereas the said Mary Longstreth is now ready, and desirous to pay to Ann D. Morris, administratrix, &c., of James Morris, deceased, the sum of three hundred and fifty dollars, and interest due thereon, and receive a deed for the premises of which she, the said Mary Longstreth, has continued in possession, and the said Ann D. Morris, administratrix, as aforesaid, having prayed for legislative aid in the premises—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ann D. Morris, administratrix, &c., of James Morris, deceased, is hereby authorized to make, execute, and deliver to the said Mary Longstreth, or to her assigns, a good and sufficient deed of conveyance of all the estate, right, title, and interest of James Morris, deceased, at the time of his death, of, in, and to a lot of land and premises in the village of Eatontown, on the north side of the road leading to Long Branch, adjoining lands of Lewis Smith and others, whenever the said Mary Longstreth shall pay, or cause to be paid, to said administratrix the sum of three hundred and fifty dollars, with interest due at the time of payment; which said deed shall be as valid and effectual as if the same had been duly executed by the said James Morris in his lifetime. Administratrix authorized to convey real estate.

2. *And be it enacted*, That the money paid to the said Ann D. Morris, administratrix, &c., of James Morris, deceased, on executing said deed of conveyance, shall be applied and accounted for by the said administratrix according to law, as part of the personal estate of the said James Morris, deceased. Proceeds of sale, how disposed of.

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

Approved February 20, 1849.

AN ACT to confirm certain acknowledgments of deeds, mortgages, and other instruments taken by Amos Morse, esquire.

WHEREAS it appears to the legislature that Amos Morse was duly appointed a commissioner to take acknowledgments and proofs of deeds for the county of Essex, on the seventeenth day of January, eighteen hundred and forty-three, and that his commission expired January seventeenth, eighteen hundred and forty-eight, and that the said Amos Morse was afterwards reappointed and was duly sworn into office on the twentieth day of April, eighteen hundred and forty-eight, and that, under a misapprehension, he did, between the two last mentioned dates, continue to take certain acknowledgments and proofs—therefore, Preamble.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, mortgages, and other instruments in writing, taken and certified by Amos Morse, esquire, between the seven- Official acts of A. Morse made valid.

teenth day of January, and the twentieth day of April, eighteen hundred and forty-eight, be, and the same are hereby declared valid and effectual, in like manner as though the same had been taken and certified during the continuance of his first mentioned commission.

Approved February 20, 1849.

AN ACT to incorporate the Milford Cemetery Company, in the township of East Windsor, in the county of Mercer.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Hutchinson, Wesley Sill, John Dey, and Joseph J. Ely, and their successors, be, and they are hereby made a body politic and corporate in law, under the name, style, and title of "the Milford Cemetery Company;" and, by that name, shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, to ordain, pass, and put into execution all such by-laws, rules, and regulations, not contrary to the constitution and laws of the United States or of this state, and to do all such other things as are incident to a corporation and necessary for the purposes of this act.

Boundaries of cemetery.

2. *And be it enacted*, That the said corporation shall be composed only of persons who desire burial places in the said cemetery; and the said corporation shall have power to take charge and management of the lot of land, situate in the township of East Windsor, in the county of Mercer, and state of New Jersey, beginning at the northwest corner of the said lot; thence running, as the needle pointed in eighteen hundred and forty-two, (1) south, thirteen degrees and thirty minutes west, one chain and six links, to a corner of the land late the property of William Ely, deceased; thence (2) along the line of the said Ely's land, south, seventy-five degrees east, four chains and sixty-four links, to the water's edge of a branch of James Keeler's millpond; thence, (3) down the said water's edge, north, twenty-three degrees east, ninety-eight links, to the public highway crossing said branch of said pond; thence (4) along the said highway to the beginning, containing forty-seven hundredths of an acre of land, more or less.

Duties and powers of directors.

3. *And be it enacted*, That the care and management of the said cemetery and the business of the said corporation shall be

confided to four managers, being interested therein, who shall have the exclusive superintendence thereof, with power to appoint and employ such agents as they may deem expedient, and to fix their compensation; the said corporation may receive gifts and bequests, with such interest as hath or may hereafter accrue thereon; which said interest, together with such donations as the said corporation may receive from time to time, may be expended in fencing, laying out, and ornamenting the grounds, and such other necessary work as they may deem necessary for the preservation and improvement of the said cemetery.

First directors.

4. *And be it enacted*, That for the first year, and until others shall be chosen, William R. Hutchinson, Wesley Sill, John Dey, and Joseph J. Ely shall serve as managers; the managers for the time being shall report to those interested in the said cemetery the state of the affairs and business of the said corporation, whenever so requested by any six of them in writing, naming the time and place, immediately after which those present may proceed to an election for four managers of the said corporation.

No roads to be opened, &c.

5. *And be it enacted*, That no roads shall be hereafter opened through the lands of the said corporation occupied as a burial ground, nor shall any part of the premises occupied as aforesaid ever be subject to sale by virtue of execution or any legal process.

6. *And be it enacted*, That this corporation may hold so much personal estate, and no more, as may be necessary for its legitimate purposes.

May hold real estate.

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

Approved February 20, 1849.

AN ACT to incorporate the city of New Brunswick.

Boundaries of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits and boundaries of the said city of New Brunswick shall, from henceforth and in all time to come, be as follows, that is to say: beginning on Raritan river, where Lawrence's brook empties into the same; thence running up said brook, following the several courses thereof, to the mouth of Cornell's brook, and where the said

Cornell's brook falls into the said Lawrence's brook; thence running up Cornell's brook, following the several courses thereof, to George's road; thence, on a straight line, to the most westerly corner of a plantation formerly of Hermanus Cortleyou, now of John T. Hagerman, on the Franklin and Georgetown turnpike road; thence eastwardly, along said turnpike road, on the north side thereof, to a brook known by the name of the Mile run; thence down said brook, as it runs, to the Raritan river; thence crossing the same on a straight line, continuing the last course of the Mile run to high water mark, on the north side of the said river; thence down said river, on the north side thereof, by high water mark aforesaid, the several courses of the same, to a point opposite to the mouth of said Lawrence's brook; thence, crossing the said river, on a straight line to the place of beginning.

Officers of city.

2. *And be it enacted*, That there shall henceforth be in the said city a mayor, who shall be keeper of the common seal; a recorder, who, besides the office of recorder, shall, in case of the absence, death, or disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty, and every of them, during such absence or disability; three aldermen; six common councilmen, and one town clerk; which mayor, recorder, aldermen, and common councilmen shall be one body politic and corporate, in deed, fact, and name, by the name, style, and title of "the Mayor, Recorder, Aldermen, and Common Councilmen of the city of New Brunswick;" and by that name they and their successors, for ever hereafter, 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 they and their successors may have a common seal, and use the same at their pleasure; and also, by their corporate name aforesaid, shall be in law capable of purchasing and holding and conveying any estate, real or personal, for the public use of the said corporation; a majority of the said mayor, recorder, aldermen, and common councilmen shall constitute a common council; and, in the absence of the said mayor and recorder, the said common council may elect or appoint a presiding officer pro tempore, who, during the time he presides, shall be fully vested with the power and authority of the mayor, for the transaction of all the business of such meeting; *provided always*, no by-laws or ordinances of the said common council shall pass without the concurrence of at least six votes.

Time and mode of annual election of officers.

3. *And be it enacted*, That it shall and may be lawful for every white male inhabitant of the said city of New Bruns-

wick, being citizens of the United States of the age of twenty-one years, and who shall have resided within the corporate limits of said city one entire year next preceding the time of holding any election herein after mentioned, to assemble at the city hall, in the said city, on the second Monday in May next, and on the second Monday in May yearly and every year thereafter, and there and then, by ballot and by a plurality of votes, to elect a mayor, recorder, three aldermen, and six common councilmen, a town clerk and city marshal, to hold their respective offices for one year and until their successors are elected and sworn into office; the time of opening and closing the poll at said election, and the mode and manner of conducting the same, shall be prescribed by an ordinance of common council; *provided*, that the poll shall be opened as soon as twelve o'clock at noon, and not closed before seven o'clock in the afternoon.

Vacancies, how supplied.

4. *And be it enacted*, That in case of a vacancy in either of the offices of mayor, recorder, aldermen, or common councilmen, the common council may, at their discretion, order a new election to fill such vacancy, at such time and place as they may see proper, giving at least ten days' notice thereof, which election shall be conducted in the same manner as the regular election; and in case of a vacancy in either of the offices of town clerk or city marshal, the common council shall and may appoint a town clerk or city marshal pro tempore.

Officers to take oath.

5. *And be it enacted*, That the aforesaid officers shall, before entering upon the duties of their respective offices, and within thirty days after their election, take and subscribe an oath or affirmation for the faithful discharge and execution of the duties of their respective offices, or in default thereof, his or their election, as the case may be, shall be deemed void and of none effect, and a new election may be ordered by the mayor for the time being to supply such vacancy or vacancies; the said oath or affirmation, or any oath or affirmation required under this act, may be administered by any officer authorized to administer an oath by the laws of this state; and besides the oath required of the city marshal, he shall, before he enters upon the duties of his office, and within the said thirty days after his election, enter into a bond to the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick, with one or more surety or sureties, to be approved of by the said common council, in such sum as they may direct, conditioned for the true and faithful performance of all the duties of his said office of said city marshal; and if he neglect or refuse to enter into said bond, within the said period of thirty days, then his said election shall be deemed void and of none effect, and a new election shall be ordered and held to supply the vacancy.

in the same manner as is prescribed in the case of the other officers before mentioned.

Common council may make by-laws, &c.

6. *And be it enacted*, That the said common council shall and may pass, seal with the common seal, and publish such by-laws and ordinances, not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good government, health, and prosperity of the said city of New Brunswick, and the inhabitants thereof, and the same to put into execution, revoke, alter, amend, and make anew, as to them in their discretion may appear necessary and proper; which by-laws and ordinances shall be published in one or more of the public newspapers of the said city, within twenty days after the passage thereof, for the general information of the said inhabitants.

Common council to appoint certain officers.

7. *And be it enacted*, That the said common council shall and may make and appoint a city treasurer, clerk of the market, assessor, collector, and such other subordinate officers as to them may seem proper and necessary for the good government and welfare of the said city; all the officers of the said corporation, except those elected by the people, shall hold their offices during the pleasure of common council, and shall give such security for the faithful performance of the duties thereof, to the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick, as they may order and direct.

Harbour master to be appointed.

8. *And be it enacted*, That the said common council may appoint an officer in and for the said city, to be called a harbour master; and may pass any such ordinance or ordinances as they shall deem proper, not repugnant to the laws of this state or of the United States, investing such harbour master with superintending and controlling power and authority in and over every and all wharf and wharves in the said city, and in and over any and all vessel or vessels which may land or lie at or off any such wharf or wharves, and over any and all cargo and cargoes, freight, and merchandise which may be loaded or unloaded at any such wharf or wharves, for the better security of property in, and for the good government and welfare of the said city; which said officer shall hold his office for such time, give such security for the faithful discharge of the duties of his office, and be subject to such restrictions, as the said common council may by ordinance direct.

Rates of wharfage, how regulated.

9. *And be it enacted*, That it shall and may be lawful for the said common council to make and pass such ordinance or ordinances as to them shall seem proper to regulate, ascertain, fix, and establish a certain and uniform rate of allowance, charge, claim, or demand for wharfage in the said city, allowing a certain sum of money per hour, or per day, to the owner

or possessor of any wharf or wharves within the corporate limits of the said city, for the landing of any vessel or vessels at, or the lying of any vessel or vessels to or off, or the freighting or discharging of any vessel or vessels from or on any such wharf or wharves; and after the passage of any such ordinance aforesaid, all and every sum or sums of money so allowed by any such ordinance as aforesaid to the owner or possessor of any wharf or wharves, and which may be actually due to such owner or possessor for any such charge as aforesaid, shall be deemed and esteemed a debt, for which any such vessel or vessels may be attached under and by virtue of the laws of this state; *provided*, that nothing in this section contained shall be construed to affect or extend to any express contract heretofore made or hereafter to be made.

Regulations for grading, paving, &c.

10. *And be it enacted*, That it shall and may be lawful for the common council of the said city to make and establish ordinances and regulations for the levelling, grading, regulating, paving, curbing, flagging, or gravelling of the streets and sidewalks of the said city, to require the work to be done by the owners or occupants of lots fronting or adjoining such streets, and to be superintended by the city paver, who, under the direction of common council, shall prescribe the manner in which such work shall be done; if the owner or legal representative or guardian of the owner of any lot in front whereof the street or walk shall, by such ordinance or regulation, be directed to be levelled, paved, curbed, graded, regulated, flagged, or gravelled, shall neglect to comply with such ordinance or regulation, within two months after the passage and publication of the same, it shall be lawful for the common council to cause the work to be done, agreeably to the ordinance, for such person so neglecting, and to cause a particular statement and account of the expenses of the said work to be rendered to them, and recorded in their minutes and properly filed; if the said account be approved and allowed by common council, or if any amount be allowed by them for the performance of said work, they shall cause an advertisement to be inserted in the public papers printed in New Brunswick, for one month, stating the amount allowed and approved of for the performance of the work, and requiring the owner, or legal representative or guardian of the owner, as the case may be, to pay the same to the treasurer of the said city at a certain time and place, and also appointing a certain time and place where such lot will be sold at public auction, if default be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot

or lots, or the legal representative of such owner or owners, shall neglect to pay the amount due as aforesaid, with the costs and charges thereof, and the costs of the advertisement, it shall be lawful for the said common council to cause the said lots, in whose hands soever the same may be, to be sold at public auction for a term of years, at the time, for the purpose, and in the manner expressed in the advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, his or their executors, administrators, or assigns; and he or they shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming under him or them, until his time therein shall be complete and ended, and be at liberty to remove all the buildings and materials which he or they may erect or place thereon; and the amount due and allowed by common council for the performance of such work as aforesaid, shall be and remain a lien upon the lot or lots of any person or persons neglecting to comply with such ordinance or regulation, and making default in the payment for the work so done in front of his, her, or their lot or lots as aforesaid, and for which amount such lot or lots shall be liable to be sold as aforesaid, from any person or persons to whom such lot or lots may afterwards have come, or who may afterwards have become the owner or owners thereof; *provided nevertheless*, that in case the owner or owners, or the representative or guardian of such owner or owners, be a nonresident or nonresidents of the counties of Middlesex or Somerset, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done; which said written notice shall be served personally, or sent by mail, directed to the said person or persons, within thirty days after the passage of such ordinance; and proof of having put the said written notice in the post office at New Brunswick, directed to such person or persons, at his or their most usual place of abode, shall be deemed and taken as full proof of the service of such notice.

Proviso.

Corporation may sue for amount of work done.

11. *And be it enacted*, That in case of any such neglect, as is mentioned in the next preceding section, by any owner or owners, or the legal representative or guardian of any owner or owners, of any lot in front whereof the street or walk shall, by such ordinance or regulation, be directed to be levelled, paved, curbed, graded, regulated, flagged, or gravelled, and the performance of the work by common council, the said common council may, instead of the remedy aforesaid, sue for and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his or their legal representatative, with interest and costs, in any

court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out, and expended to and for the use of such owner or owners, or his or their legal representative; and in any such action the proof of the amount paid by the common council shall be conclusive evidence for the plaintiffs of the amount due.

Tenant may pave on refusal of owner.

12. *And be it enacted*, That it shall and may be lawful for the tenant of any lot, or house and lot, within the said city, upon the neglect or refusal of the owner or owners thereof to cause the sidewalks on the said street, in front thereof, to be levelled, paved, curbed, graded, flagged, or gravelled, in obedience to any ordinance or regulation of the said common council, and to deduct the charges and expenses thereof out of his rent; *provided*, nothing in this act shall affect any contract or agreement, made or to be made, between landlord and tenant respecting such charges and expenses.

Additional tax, how raised.

13. *And be it enacted*, That it shall and may be lawful for the said common council of the said city, at any time hereafter, when in their opinion the interests of the said city may require it, to vote, by a resolution of the said common council, any sum or sums of money they may deem necessary, not exceeding the sum of one thousand dollars in any one year, exclusive of the assessor's and collector's fees, to be raised by tax in the said city, to defray the expenses and for the uses and purposes of the said city, which said period of one year shall be computed from the second Monday in May, at all times hereafter; and whenever, hereafter, a greater sum of money than the said sum of one thousand dollars shall, in the opinion of the said common council, be necessary to be raised in any one year for the uses of the said city, then and in such case the said common council are hereby authorized to give notice to the inhabitants of the said city, by advertisement published in the newspapers printed in the said city, at least ten entire days before the day of holding any election herein after mentioned, that an election will be held at the time and place therein mentioned, the said time and place to be designated by the said common council, to vote such a sum of money to be raised by tax in the said city, as the said common council may think necessary to be raised for the uses of the said city, and which sum of money shall be stated in the said notice; at which said election only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city; the voting shall be by ballot, written or printed, or partly written and partly printed, for or against the sum of money proposed by the said common council in and by their said notice, which said ballot shall contain the word "money," or the words "no money;" the time of open-

ing and closing the poll at such election, and the mode and manner of conducting the same, shall be prescribed by ordinance of common council; *provided*, that the poll be opened as soon as twelve o'clock at noon, and not closed before seven o'clock in the afternoon.

Assessment, how made.

14. *And be it enacted*, That all and every such sum or sums of money, so voted by any resolution of the said common council to be raised by tax in the said city as aforesaid, and when, in case of any election held in pursuance of the thirteenth section of this act, a majority of the whole number of lawful ballots cast in any such election shall contain the word "money," then such sum of money as may be mentioned in the notice of the said common council calling such election, shall be assessed upon the inhabitants of, and the real and personal estate lying and being within, the said city, by the assessor, agreeably to the laws and regulations made, or to be made, by the said common council of the said city for that purpose, and collected by the collector at such time, and be paid and disposed of in such manner, as the said common council shall direct; *provided*, that every person who may think himself or herself aggrieved by any fine, penalty, or assessment imposed on him or her by virtue of this act, may appeal to the said common council, who are hereby required to hear his or her cause of complaint, and to do therein what to them may appear just and equitable.

List of delinquents to be made out.

15. *And be it enacted*, That in case of the nonpayment of any such tax or taxes, so assessed as aforesaid, within the time limited and appointed by ordinance of the said common council for the payment thereof, the said collector shall, after having given such notice as common council may direct, make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the mayor or recorder, or any one of the aldermen of the said city, within two weeks after such time for payment shall have elapsed.

Mayor, &c., to issue warrant.

16. *And be it enacted*, That it shall and may be lawful for the said mayor or recorder, or any one of the said aldermen, upon the receipt of the said list of the names of the said delinquents, to make out, and deliver to the marshal of the said city, a warrant or warrants requiring him to levy the tax so in arrear, with costs, by distress and sale of the goods, chattels, and effects of the delinquent or delinquents, and that if goods, chattels, and effects of the delinquent or delinquents cannot be found, or not sufficient to make the money required, the marshal shall take his or her body, if to be found within the city of New Brunswick, and deliver him or her to the keeper of the jail in the county of Middlesex, to be by him safely kept

until the tax, with the costs, be paid, or he or she be discharged by due course of law; which said warrant or warrants shall be executed by the said marshal according to the requirements thereof; and which said warrant or warrants shall be returned by the said marshal in such time and manner, and the said marshal shall give such notice of the time and place of the sale of such goods and chattels, so levied on by him, as may be directed by ordinance of the said common council.

Affidavit to be made of service of notice.

17. *And be it enacted*, That it shall be the duty of the said mayor or recorder, or either of the said aldermen, on receiving the said list of the names of the said delinquents, and before issuing his warrant or warrants as aforesaid, to administer an oath or affirmation to the said collector, that the moneys in the said list mentioned had been duly demanded, or due notice thereof given or left at the usual place of residence of each delinquent who can be found, or who may then reside in the limits of the said city of New Brunswick.

Tenants liable for payment of taxes.

18. *And be it enacted*, That the tenants or other persons in possession, or having the care of any lands or tenements, and their goods and chattels, shall be, and they hereby are made liable for the payment of taxes which are or shall be imposed on the said lands or tenements in the said city; and if any such tenant or other person shall pay, or his or her goods and chattels shall be levied on and sold to pay any such tax, it shall be lawful for him to deduct the sum so paid out of the rent, or to recover the same from the landlord or owner, by action of debt, with costs; *provided always*, nothing in this act shall affect or extend to any contract made, or to be made, between landlord and tenant.

Persons exempted from tax.

19. *And be it enacted*, That the members of the several fire engine companies, and of the hook and ladder company at present established in the said city, and which may hereafter be established therein, shall be exempt from the payment of taxes to the said city, to the extent and in the manner following, to wit: if the sum at any one time assessed by the city assessor upon any such member shall not exceed the sum of three dollars, then such member shall be exempt from the payment of tax upon such assessment; if the sum at any one time assessed upon any such member shall exceed the sum of three dollars, then the said sum of three dollars shall be deducted from the sum assessed upon such member, and the amount over and above the said sum of three dollars shall be paid by such member, and be collected in manner aforesaid; and the city assessor shall assess all such members of the several fire engine and hook and ladder companies, without regard to any such exemption or reduction, but shall note in his book of assessment,

opposite the name of each member of any such company, by some mark of designation, the fact of such membership; and every such deduction as aforesaid shall be made by the city collector, who shall be allowed accordingly; *provided*, that all such fire engine companies and hook and ladder companies, and the number of members of any and all such company or companies, shall be established, fixed, and regulated by the said common council.

Penalties for breach of ordinances.

20. *And be it enacted*, That the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick shall and may make, limit, and impose and tax reasonable fines and amercements against all, and upon persons who shall offend against the laws, ordinances, and regulations of the said common council; and the said mayor or recorder, or either of the said aldermen, is hereby constituted a court of record, to take cognizance of all offences against such by-laws and ordinances, and punish all offenders against the same, by fine not exceeding fifty dollars, or imprisonment in the jail of the county of Middlesex not exceeding thirty days, or both, together with the costs of the conviction; and it shall and may be lawful for the said mayor or recorder, or either of the said aldermen, upon complaint, made on oath, of an offence committed against the said by-laws and ordinances, and on conviction thereof, to issue his warrant to the marshal, or other proper officer, commanding him, in case such offender or offenders be sentenced to imprisonment, to convey him to the jail of the said county of Middlesex, there to remain until the term of imprisonment shall have expired, and from thence until the costs of prosecution shall be paid; and in case the offender or offenders shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor or recorder, or either of the said aldermen before whom such conviction may be had, to issue an execution to said marshal, or other proper officer, commanding him to levy and make such fine, and the costs, of the goods and chattels of the offender or offenders, and, for want of sufficient goods and chattels, to take and convey such offender or offenders to said jail, there to remain until such fine and costs shall be paid; and the said marshal is hereby required to execute the process aforesaid; *provided always*, that any person convicted of a breach of any by-law or ordinance may appeal to the common council, upon such terms and conditions as said common council may by ordinance impose, but such appeal shall be brought within thirty days after conviction.

Penalties, how recovered.

21. *And be it enacted*, That all actions to be brought for the recovery of any penalty or penalties created or imposed by any by-law or ordinance made and passed, or that hereafter may be made and passed by the said common council, may be

brought and prosecuted in the name of "the treasurer of the city of New Brunswick," without specifying the individual name of the treasurer of the said city for the time being; and the books of records of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage of all ordinances and by-laws recorded therein; and the publication, by authority of common council, of their ordinances and by-laws in a volume, or pamphlet form, shall in like manner be taken and received in evidence of the due passage thereof; and the publication of the said ordinances and by-laws in one or more of the public newspapers of the said city, according to law, shall in all cases be presumed to have been done, until the contrary shall be proved.

Inhabitants not incompetent witnesses in certain cases.

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

Preservation of public peace, &c.

23. *And be it enacted*, That the mayor, recorder, and aldermen of the said city shall be ex officio conservators of the peace within the limits of the said city, and for this purpose they, or any one of them, shall have authority, on complaint made to them, or either of them, on oath, to cause any and all person or persons to be brought before them, or either of them, for any breach of the peace or violation of any law of this state committed within the said city, or for disturbing the public tranquillity in the said city; and upon such offender or offenders being brought before them, or either of them, or if any such offence shall be committed in the view of them, or any of them, then upon such view only they, or any one of them, before whom such offender or offenders shall be brought, or in whose view such offence may be committed, shall have power to cause any and all person or persons so offending to be committed to the watch house of the said city, or to the jail of the county of Middlesex, for safe keeping, until he, she, or they can be brought before a magistrate of the proper county for further hearing; and the marshal or any assistant marshal of the said city shall be ministerial officers, and shall execute all and every process issued by the said mayor, recorder, and aldermen, or any of them, in pursuance of the authority hereby conferred.

24. *And be it enacted*, That the common council shall have

Licenses for inkeepers.

the sole and exclusive power of licensing all and every innkeeper and tavernkeeper residing within the bounds of the said city, subject to the same provisions, restrictions, and regulations, and in like manner as the said licenses now are or may at any time hereafter be granted by the laws of this state.

License for exhibitions, &c.

25. *And be it enacted*, That the common council shall also have the sole and exclusive power of licensing all interludes, farces, or plays, of any kind, and all menageries or collections of beasts or animals, and all circuses, and all games, tricks, juggling, sleight of hand, or feats of dexterity and agility of body, and all bear baiting or bull baiting, and all such like shows or exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said city; which said power of licensing, the said common council may, by ordinance, delegate to the mayor, recorder, and any one of the aldermen of the said city, or to any three of the aldermen of the said city; and any such license may be granted on such terms, and under and subject to such limitations and restrictions, as the said common council may by ordinance deem proper to prescribe; and all moneys which may be derived from granting any such license shall go to and for the use of the said city; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited within the said city, any matter or thing herein before specified, without having first obtained such license as aforesaid, he, she, or they shall be proceeded against under and by virtue of the statute of this state entitled, "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, or under and by virtue of the act entitled, "An act to regulate the exhibition of beasts or animals," approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

Obstructions and how removed.

26. *And be it enacted*, That it shall and may be lawful for the said common council to remove, or cause to be removed, any and all encroachment or encroachments heretofore made, or which may hereafter be made, in or upon any street, lane, alley, or highway, as originally laid out and opened in the said city, or in or upon any public square within the limits of the said city; and also for the said common council to remove, or cause to be removed, any and all obstruction or obstructions from any such street, lane, alley, or highway, or from any public square as aforesaid; and the said common council may pass any such ordinance for more completely carrying into effect the powers hereby conferred, the same not being repugnant hereto, as to them shall seem necessary and proper.

27. *And be it enacted*, That it shall be lawful for the said common 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, extended, or widened, whenever and so often as they shall judge the public good requires the same to be done; and the said common council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent or legal representatives, of their intention to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the common council cannot agree with such person or persons for the same, then it shall be lawful for the common council to appoint five disinterested freeholders of the said city, each of which said freeholders shall be taken from different wards or sections of the said city, commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, opening, altering, extending, 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, opening, altering, extending, or widening any such street, road, highway, or alley; *provided*, no street, road, highway, or alley in the said city shall be altered, extended, or widened as aforesaid, except on the application in writing to the said common council by two-thirds of all the owners of lands lying on the said street, road, highway, or alley. Proceedings in case of opening streets, &c.

28. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn before the mayor or recorder, or any one of the aldermen of the said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment; and if any one or more of the said commissioners shall die before the completion of the duty in this act required of them, the said common council may supply any such vacancy or vacancies, and the person or persons so substituted, after having taken such oath as aforesaid, shall have the same power as the commissioners originally appointed. Commissioners to take oath.

29. *And be it enacted*, That the said common council shall

Powers and duties of commissioners.

appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, at least ten days before the time of meeting, and by inserting the same in at least one of the newspapers printed in the said city, at least ten days before the time of meeting, which advertisement shall specify the street, road, highway, or alley proposed to be laid out, opened, altered, extended, or widened, the alteration proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of the said city, and the same, being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal herein after given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purpose aforesaid; *provided however*, any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of the said common council or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the common council, and the supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Assessments of damages may be sued for.

30. *And be it enacted*, That in case of nonpayment on demand of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor, recorder, aldermen, and common councilmen of the said city, 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 award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Mode of making assessment.

31. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid, for the laying out and opening of any street, road, or highway in the said city, or for the opening, altering, extending, or widening of any street, road, highway, or alley already laid out in the

said city, and of all other necessary expenses incident to such laying out, opening, altering, extending, or widening, the said common council may ascertain the whole amount of such damages and expenses, and may, if they see proper, cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire; and the common council shall appoint five disinterested freeholders of the said city, each of which said freeholders shall be taken from different wards or sections of the said city, to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn before any justice of the peace to make the said assessment fairly, according to the best of their skill and judgment; and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the common council, and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots to be assessed, respectively; and such owners or occupants shall also, respectively, on demand, pay to such person as shall be authorized by the said common council to receive the same, the sums at which such houses and lots shall be assessed, to be applied to the payment of the damages and expenses of laying out, opening, altering, extending, or widening the said street, road, highway, or alley as aforesaid; under default of such payment, or any part thereof, it shall be lawful for the said mayor, recorder, aldermen, and common councilmen of the said city, by warrant under their common seal, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, (if any) after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *provided always*, nothing in this act contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never passed; *and further*, if any such assessment, or any part thereof, shall be paid by any person when, by agreement or by law, the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, and proof of payment, shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who, in law, ought to bear and pay every such assessment.

Property sold for payment of assessment.

32. *And be it enacted*, That in case any assessment, made as aforesaid, shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in two or more public newspapers, printed in the said city, for two months, thereby requiring the owners or occupant of such houses and lots, respectively, to pay the sums at which such houses and lots shall have been assessed to the treasurer of the said city; and that if default shall be made in such payment, such houses and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the said mayor, recorder, aldermen, and common councilmen of the said city to cause such real estate to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof under the common seal of the said city; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use, against the owner or owners thereof, and any and all person or persons claiming under him or them, until his term shall be complete and ended; and such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession.

Assessment to be a lien on real estate

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

34. *And be it enacted*, That the said common council shall appoint the chief engineer of the fire department of the said city, upon the nomination, made and certified, by a majority of the whole number of members of the fire engine and hook and ladder companies of the said city. Chief engineer, how appointed.

35. *And be it enacted*, That the act entitled, "An act to incorporate the city of New Brunswick," approved the fourth day of April, eighteen hundred and forty-five, and every other act heretofore passed incorporating the said city of New Brunswick, and supplementary thereto, be, and the same are hereby repealed; *provided*, that this repealing clause shall in no wise be considered to repeal any lawful ordinance, by-law, or regulation, or any other legal act heretofore passed, made, or done by the common council of said city; but all such by-laws and ordinances shall be and remain in full force until revoked, altered, or amended by the common council, and may be executed and carried into full force and operation; or to affect the right, title, and interest of the said city to or in any property, claim, or demand had and held under and by virtue of the act or acts herein repealed, but that the same shall be in the same manner vested in and held by the said city, under and by virtue of this present act of incorporation; and that the present mayor, recorder, aldermen, and common councilmen, with the officers by them appointed, together with the marshal, shall continue in and hold their respective offices according to the tenure of their appointments. Former act repealed. Proviso.

36. *And be it enacted*, That it shall and may be lawful for the legislature, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good shall require it. Act may be amended, &c.

37. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act, and, as such, be taken notice of by all courts of justice within this state. When act to take effect.

Approved February 20, 1849.

AN ACT to incorporate the Flemington Fire Insurance Company, in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become Style of incorporation.

stockholders to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby constituted and made a body politic and corporate, by the name and style of "the Flemington Fire Insurance Company;" and the office of the said company shall be located in Flemington, in the county of Hunterdon, in said state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five per cent. on the stock by him subscribed, and the remainder shall be paid at such time as the president and directors may require; and that the said company shall not commence business until thirty thousand dollars shall be paid in.

Time and mode of annual election of directors.

3. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed and conducted by seventeen directors, a majority of whom shall be residents of the county of Hunterdon aforesaid, who may respectively hold their offices for one year and until others are chosen in their stead; the annual election for directors shall be held on the second Monday of January in each year, at the office of the company in Flemington, notice of which shall be given in one or both of the papers published in Flemington, at least ten days previous to said election; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of the said stock.

President.

4. *And be it enacted*, That it shall be the duty of the directors, in organizing the company, and annually thereafter, to choose out of their number a president, who shall be a resident of the county of Hunterdon aforesaid.

Commissioners to open books of subscription.

5. *And be it enacted*, That William H. Sloan, William P. Emery, Asa Jones, John G. Reading, and John H. Capner be commissioners to receive subscriptions to the capital stock of said company; and that as soon as one thousand shares of said stock shall be subscribed, the commissioners shall call a meeting of the stockholders, by an advertisement, published at least ten days previously in one or both of the newspapers published in Flemington, stating the time and place at which such meeting of the stockholders shall be held, and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election; but it is *provided nevertheless*, that if there should be any deaths or resignations among the commissioners above appoint-

ed, then the remainder shall select others to supply the vacancies so occasioned.

6. *And be it enacted,* That the said company shall have power to make insurance upon goods, wares, and merchandise, dwelling houses, stores, and all kinds of buildings, household furniture, and other property, against loss or damage by fire, and to cause themselves to be reassured when deemed expedient. What property may be insured.

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

8. *And be it enacted,* That it shall and may be lawful for the said company to take and hold any real estate or securities, bona fide mortgaged or pledged to the said company to secure the payment of any debt which may be contracted with the said company, and to foreclose the same; and also to purchase, on sales made by virtue of any judgment at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment and satisfaction of any debt previously contracted and due to the said company, and to hold it until they can conveniently sell the same, and invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors may decide; and no money shall be loaned on real estate, unless the same be situated in this state, and to call in and reinvest the same so often as it shall be deemed necessary for the interests of the company; nevertheless, no part of the capital, or surplus, or profits of this company, shall be used for banking purposes. What property company may hold.

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

10. *And be it enacted,* That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear advisable; Dividends, how made.

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

Tax on capital stock.

11. *And be it enacted*, That the said company shall pay into the treasury of this state one quarter of one per cent. per annum on the capital stock paid in, to commence three years after the said company shall go into operation, which amount shall be paid in under the oath or affirmation of the president and secretary thereof.

Limitation.

12. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

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

Approved February 21, 1849.

AN ACT to authorize Samuel D. Ingham and Matthew C. Jenkins to construct docks, wharves, and piers in front of their land on and near Bergen Point.

WHEREAS Samuel D. Ingham and Matthew C. Jenkins have, by their petition, represented that they are the owners of certain parcels of land situate at Bergen Point, in the county of Hudson, extending down to the waters of the Kill Van Kull, and that they have commenced an improvement on the same, for the purpose of establishing a depot and landing for coal and other purposes, and have prayed that a law may be passed authorizing them to improve the same for the objects aforesaid— Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel D. Ingham and Matthew C. Jenkins be, and they are hereby authorized and empowered to erect and build all such docks, wharves, and piers, and other appliances, in front of the land now owned by them, situate at Bergen Point, and between Bergen Point and Constable Point, in the county of Hudson, as may be necessary and suitable for the purpose of a depot and landing for coal and other products; and also for the repair and building of boats and other vessels, and to extend the same below low water line in the said Kill Van Kull, as far as may be necessary for said purposes; and to reclaim and improve the lands under water in front of the lands owned as aforesaid, so far as may be necessary for the purposes aforesaid, and to hold and enjoy the same, to them, their heirs and assigns, for ever; and to lay vessels along said docks, wharves, and piers, and to charge dockage or wharfage therefor; *provided however*, that nothing herein contained shall be so construed as to impair the legal rights of any person or corporation whatever, or the common rights of the citizens of this state, or to authorize the said Samuel D. Ingham and Matthew C. Jenkins to build upon or reclaim the lands covered with water lying in front of the lands of any other person or persons owning down to the said Kill Van Kull; *and provided also*, that nothing herein contained shall be so construed as to authorize them so to improve or reclaim the lands in front of their own shore, as to interrupt or interfere with the navigation of the said Kill Van Kull; *and provided further*, that nothing in this act shall be construed to confer any right of ferry upon the owner or owners of said wharf. S. D. Ingham and M. C. Jenkins authorized to build dock.

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

Approved February 22, 1849.

AN ACT to extend the provisions of the mechanics' lien law to the Lower Township, in the county of Cape May.

Provisions of former act extended.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," approved April fifteenth, eighteen hundred and forty-six, and all the benefits and provisions of said act be, and the same are hereby extended to the Lower Township, in the county of Cape May.

Approved February 22, 1849.

A supplement to the act entitled, "An act to incorporate the Princeton and Kingston Branch Turnpike Company."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act to which this is a supplement, as provides that no stockholder shall have more than ten votes, although he or she may have a greater number of shares, be, and the same is hereby repealed.

Proceedings in cases of complaint.

2. *And be it enacted*, That the complaint which, by the fifteenth section of the said act, is authorized to be made to any justice of the peace of the county, shall be made to a judge of the court of common pleas, and shall be made by three respectable freeholders of the said county; and that it shall be the duty of the persons appointed by the judge to view and examine the said road, to report whether, in their opinion, and under all the circumstances of the case, the gates of the said company should be opened; and that only in the event of their making such report, shall the said judge order the keeper of the gate to open the same.

Company authorized to surrender part of road.

3. *And be it enacted*, That the said company be, and they are hereby authorized and empowered to surrender and abandon to the borough of Princeton, and the townships through which the said road passes, all such parts of the said road lying east of Steadman-street, in the borough of Princeton.

Act, when to take effect.

4. *And be it enacted*, That so much of the said act, to which this is a supplement, as comes within the purview hereof, is

hereby repealed; and this act shall take effect immediately after the owners of three-fourths of the stock, residents of this state, shall have agreed to the provisions thereof in writing, and shall have filed the same in the office of the secretary of state.

Approved February 22, 1849.

AN ACT to authorize the board of chosen freeholders of the county of Salem to build a bridge over Alloway's creek.

Freeholders authorized to build 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 Salem are hereby authorized, at any time within six years, if in their opinion the public convenience requires it, to erect and build a bridge, with a draw therein not less than thirty-five feet in width, over Alloways creek, in the county of Salem, near the residence of Thomas Y. Hancock, to connect a public road, to be applied for, from Canton to Salem.

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

Approved February 22, 1849.

A supplement to the act entitled, "An act directing notice to be given of applications to the legislature relative to incorporations."

Publication of notice.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the notice required to be published, by the act to which this is a supplement, shall be so advertised that the time the same is required to be published shall expire on or before the first day of the session of the legislature at which it is designed to make the application whereof notice is given, and in default thereof the application shall not be acted on.

Approved February 22, 1849.

AN ACT to restore to the stockholders of the Farmers and Mechanics Bank of New Brunswick their corporate rights and privileges.

Preamble. WHEREAS it is represented, that a final order hath been made in the court of chancery of this state for the surviving receivers of the Farmers and Mechanics Bank of New Brunswick to pay to the creditors of the said bank the balance of principal and interest due to them on their claims against the said bank; and it appearing by the reports of the said receivers, affiled in the said court, that they have moneys of the said bank in their possession more than sufficient for that purpose; and it further appearing that the said bank was really and truly solvent at the time when it was enjoined; that the stockholders of the said bank are now desirous of being restored to their corporate rights and privileges, suspended by virtue of the writ of injunction issued from the said court, and that it would be just and equitable to restore to them the same—therefore,

Corporate rights restored. 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 stockholders of the said the Farmers and Mechanics Bank of New Brunswick shall be, and they are hereby restored to and reinvested with all the corporate rights, privileges, and franchises contained in and granted by a certain act of the legislature of this state, entitled, "An act to incorporate the Farmers and Mechanics Bank of New Brunswick," passed February twenty-sixth, A. D. eighteen hundred and thirty-four, with full power and authority to recommence banking business under the same.

When company may commence business. 2. *And be it enacted*, That before any banking business shall be commenced or done by the said bank under and by virtue of this act or of the said original act of incorporation, the sum of fifty thousand dollars shall be first actually and bona fide paid in on the capital stock of the said bank, and a certificate of the fact, made under the hands of any two judges of the court of common pleas of the county of Middlesex, and remitted to the governor of this state, together with the affidavit or affirmation of the president and cashier of the said bank, that such payment has been made as aforesaid; which said certificate and affidavit, or affirmation, shall be filed by the said governor in the office of the secretary of state of this state, and the said governor shall thereupon issue his warrant to the directors for the time being of the said bank, authorizing them to resume banking business.

3. *And be it enacted*, That the said surviving receivers of the said bank, or in case of their neglect or refusal, then any three disinterested persons appointed by the directors of the said bank for the purpose, shall ascertain and fix the value of the surplus assets and property of the said bank now in the possession of the said receivers, and shall ascertain the pro rata share of each and every stockholder of the said bank in and to the same; and the said receivers may deliver such surplus assets and property to the directors of the said bank, or to an agent appointed by them for the purpose. Receivers to fix value of assets.

4. *And be it enacted*, That the directors of the said bank for the time being may give notice from time to time to the stockholders of the said bank, by advertisement published for thirty days in the newspapers printed in the city of New Brunswick, for the said stockholders to pay in such sum or sums of money on every share of their said stock, as the said directors shall deem necessary; *provided*, that such payment shall not exceed ten dollars on each share, nor be called in oftener than once in thirty days; and if any stockholder shall neglect or refuse to pay any such sum of money on his or her said stock, as shall be required in and by such notice, at or before the time specified in the first notice for the payment thereof, every such defaulter shall, on payment to him or her of his or her pro rata share of the said surplus assets and property of the said bank, so ascertained as aforesaid, cease to be a stockholder of the said bank; and all such persons as shall, at or before the time specified in such first notice, pay in on every share of their respective stock, such sum or sums of money as shall be therein and thereby required, shall be deemed and taken to be the stockholders of the said bank. Notice to be given of payment of instalments.

5. *And be it enacted*, That it shall not be lawful for any person elected a director of said bank to enter upon the discharge of the duties of his office, until he has made and filed an affidavit, or solemn affirmation, in the office of the clerk of the county of Middlesex, setting forth that he is bona fide the owner, in his own right, of at least five shares of the stock of said bank, actually paid in, and which is in no manner hypothecated, pledged, or subject to any lien whatever, under the penalty of one hundred dollars, to be sued for and recovered, in an action of debt, by any person who will sue for the same. Directors to make affidavit.

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

Approved February 22, 1849.

A supplement to an act entitled, "An act to incorporate the Somerville and Easton Railroad Company," passed February twenty-sixth, eighteen hundred and forty-seven.

Company may purchase railroad.

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 Somerville and Easton Railroad Company to purchase the railroad from Somerville, in the county of Somerset, to the Sound, in the township of Elizabeth, in the county of Essex, constructed under and by virtue of an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," passed February ninth, eighteen hundred and thirty-one.

Stock may be issued for payment.

2. *And be it enacted*, That if the said purchase can be made in such manner that, for the payment or part payment of the purchase money for the said railroad, the stock of the Somerville and Easton Railroad Company will be taken therefor, then it shall and may be lawful for the said last named company to issue so much of their capital stock, now authorized by their said act of incorporation to be issued, as shall be required for that purpose.

Railroad so purchased to be subject to provisions of charter of S. and E. Railroad Co.

3. *And be it enacted*, That when the said purchase shall be made, the railroad so purchased shall be and become a part of the railroad authorized to be constructed by the Somerville and Easton Railroad Company, and in its further construction and completion, maintenance, use, and enjoyment, shall be regulated and governed by the provisions of the charter of the last named company; and for that purpose all and every provision of the act entitled, "An act to incorporate the Somerville and Easton Railroad Company" shall extend and be applicable to the railroad so purchased, in every respect as if the same had been authorized to be made, and had been made, under the said last mentioned act; and from thenceforth the said the Somerville and Easton Railroad Company shall be known by the name of "the Central Railroad Company of New Jersey;" and all suits now pending, in any court of the state of New Jersey, against the said company shall proceed to final judgment and determination against the said company, by the name of "the Somerville and Easton Railroad Company," and final process may issue thereupon against the Central Railroad Company of New Jersey, the same as if the said suit had been originally commenced against the Central Railroad Company of New Jersey; *provided*, that nothing in this act contained shall in any wise affect any right whatever, either at law or in equity, of any stockholder or other person in, or any claim or demand against the Elizabethtown and

Proviso.

Somerville Railroad Company, or any lien whatever upon the said railroad, or upon any property which by virtue of this act shall be transferred or conveyed; *and provided further*, that upon such purchase as aforesaid being completed, the said the Central Railroad Company of New Jersey shall thereby become responsible for all debts contracted by the Elizabethtown and Somerville Railroad Company, since the foreclosure of the mortgage or mortgages under which the present stockholders of the said last named company claim to hold the said railroad, and shall be liable therefor, in law and equity, in like manner as if the said debts had been contracted by the Somerville and Easton Railroad Company; *provided also*, that the said purchase shall be made with the consent of the last mentioned stockholders.

Claims of creditors of E. and S. Railroad Co. not to be prejudiced.

4. *And be it enacted*, That the passage of this act, or any matter or thing herein contained, shall not be held, deemed, or construed, in any wise, to affect or prejudice the debts, claims, or demands of any person or persons being creditors, or claiming to be creditors of the said the Elizabethtown and Somerville Railroad Company; but that all such persons shall have the full benefit of all action and actions, process and processes, at law and in equity, for the recovery of their said debts, claims, and demands against the said the Elizabethtown and Somerville Railroad Company, heretofore commenced or hereafter to be commenced, as they might or could have had if this act had not been passed; and that any process or processes, whatsoever, sued or to be sued out of any court or courts, may be served upon any officer of the said the Central Railroad Company of New Jersey in the same manner as if the said the Central Railroad Company of New Jersey were the defendants therein, and that such service shall be deemed valid and lawful; and that, upon the recovery of any judgment or judgments, decree or decrees, therein, against the said the Elizabethtown and Somerville Railroad Company, execution or executions, or other process or processes, for the satisfaction of any such judgment or judgments, decree or decrees, shall issue for the sale of the said railroad, and any other property purchased by the said the Somerville and Easton Railroad Company from the said the Elizabethtown and Somerville Railroad Company, or for the sequestration of the tolls, issues, and profits thereof, as the plaintiff or plaintiffs, complainant or complainants, in any such judgment or judgments, decree or decrees, might have had against the said property if this act had not been passed, and such purchase had not been made, but not from any other property of the said the Somerville and Easton Railroad Company or of the said the Central Railroad Company of New Jersey; and that such execution or executions, process

or processes, may issue, either against the said the Elizabethtown and Somerville Railroad Company or against the said the Central Railroad Company of New Jersey; and that the said the Central Railroad Company of New Jersey shall have the full and perfect right and benefit to use and have all pleas, defences, and protection, at law and in equity, against any suit or suits, action or actions, brought or to be brought, prosecuted or to be prosecuted, and against any final process issued upon any judgment or decree against the said the Elizabethtown and Somerville Railroad Company or the said the Central Railroad Company of New Jersey, as the said the Elizabethtown and Somerville Railroad Company, or any person under whom the said the Central Railroad Company of New Jersey claim to hold the said purchased property, could or might have had, if this act had not been passed.

What lands may be purchased.

5. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold lands at the termination of the said railroad at the Sound, in the township of Elizabeth, in the county of Essex, not to exceed twenty acres, for the purpose of erecting thereupon such depots, buildings, and shops, and such piers, wharves, and other fixtures as may be necessary for the purposes of the said company, and for the accommodation and transportation of passengers and merchandise; *provided*, that the aforesaid lands and improvements shall be subject to the same assessment and payment of township and county taxes as other real estate is or shall by law be subjected to.

Certain officers to pass free.

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

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

Approved February 22, 1849.

AN ACT to incorporate the Flemington Railroad and Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac G. Farlee, John Runk, Alexander Wurts, James N. Reading, Charles Bartles, and William H. Sloan, of the county of Hunterdon, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Flemington Railroad and Transportation Company;" and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels, whatsoever, necessary or expedient for the objects of this incorporation. Names of corporators.

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

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders, to choose nine directors, 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 lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meetings, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said Commissioners to open books of subscriptions.

board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

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

Shares forfeited for nonpayment of instalments.

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

Company authorized to construct railroad.

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, or lateral road, from one or more suitable point or points on the river Delaware, at or above the village of Lambertville, or some other point along the Delaware river between Lambertville and Bool's island, to the village of Flemington, in the said county of Hunterdon; *provided*, nothing in this act shall authorize the aforesaid company, in the prosecution of its business, to interfere with the chartered rights of other companies, or the interest of this state; which railroad shall be constructed not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary, of the same width of track as the track of the Camden and Amboy Railroad and Transportation Company's road; and it shall be lawful for the said the president and directors of said company, their agents, engineers, superintendents, and others in their employ, at all times to enter upon all lands and waters for the purpose of exploring, surveying, levelling, and laying out the route or routes of such railroad, and of locating the same, and to do, make, and erect all necessary works, buildings, and append-

ages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined on, and a survey of such route deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, and occupy such lands and waters, and to excavate and erect embankments, build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion, and repair of said road, and to enter into any lands adjacent or near to the route of said road, and search for and take sand, gravel, and stone, necessary for the erection or repair thereof, subject to such compensation to the owners of such lands, waters, or materials as is herein after provided; *provided always*, that payment, or tender of payment, of all damages for the occupation of lands through which the said railroad may be laid out, be made before the said company, or any person in their employment or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, or searching for sand, gravel, or stone, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings in case company and owners of land cannot agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of such 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 this state, to make publication thereof, as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners, herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners, to examine and appraise the said land or materials, and to assess the damages,

upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands 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 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 of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid under the circumstances of the case; and that the person or persons to whom such tender shall be made, may receive the same without being barred thereby from his, her, or their appeal.

Parties aggrieved may 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 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 favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials, upon the filing of the aforesaid report; *and provided also*, that in no case, whatever, shall said companies enter upon or take possession of any lands or materials of any person or persons for the purpose of actually constructing said railroad, or making any erection or improvements whatever, or otherwise appropriating said lands or materials to the use of said company, until they shall have paid to the party or parties entitled to receive the same the amount assessed by the commissioners for the value of the land or materials, and damages, in case the assessment 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 entitled to receive the amount assessed by the commissioners, or found by the jury, shall neglect 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 court of common pleas of the county of Hunterdon, in this state, shall be deemed a legal and valid payment.

Company to erect and keep up bridges.

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

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

Rates for transportation.

the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles, for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of eight cents per mile per ton for the transportation of property on said road or roads, or five cents per mile for carrying each passenger on said railways, in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Semi-annual dividends to be made.

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

Penalty for injuring works.

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

What property company may hold.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, and also at intermediate depots upon the line of the said road, not exceeding five acres at each place; and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and the construction of cars, carriages, steam engines, and for other necessary uses; and shall also have the privilege to erect, build, and maintain, at the Delaware river, such wharves, piers, and other facilities as they may think expedient and necessary for the full enjoyment of all

the benefits conferred by this act, which said lands shall be obtained in the manner provided for in the seventh section of this act; and shall also have the privilege of connecting with any other railroad or railroads chartered, or hereafter to be chartered, by the state of New Jersey; *provided*, the consent of the said railroad company be obtained for that purpose.

Statement of cost to be filed.

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

Company may borrow money.

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

Time of completion of road.

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

Not to engage in banking.

17. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking or any other purposes not clearly indicated by the provisions of this act, under penalty of forfeiting their charter; and that it may be lawful for the legislature, at any time hereafter, to alter, modify, or amend this charter, whenever, in their opinion, the public good shall require; and that this act shall be deemed and taken as a

public act, and shall at all times be recognized as such, in all courts and places whatsoever; *and provided also*, that the said company, or their said road, shall in no wise impair the chartered rights, or interfere with the Camden and Amboy Railroad and Transportation Company and the Delaware and Raritan Canal Company in the transportation of passengers or merchandise between Philadelphia and New York, whereby to diminish the revenue of this state, under the penalty of the forfeiture of the charter, rights, and franchise hereby granted.

Certain officers to pass free.

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

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

Approved February 22, 1849.

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

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Van Buskirk, Nicholas C. Durie, Charles Hasbrouck, Benjamin Z. Van Emburgh, David A. G. Demarest, John J. Demarest, Isaac D. Demarest, Garret S. Demarest, Henry N. Voorhis, George T. Brickell, Garret A. Eckerson, Henry H. Voorhis, jun., John Ackerman, jun., and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the Bergen County Farmers Mutual Fire Insurance Company," the office thereof to be located in the county of Bergen; and by that name, they and their successors shall and may have 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 they and their successors may have a common seal, and change and alter the same at pleasure; and they and their successors shall be in law capable of purchasing, holding, and conveying

Style of incorporation and general powers.

any estate, real or personal, for the use of said corporation; *provided*, that the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts.

What property may be insured.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to insure the dwelling houses, stores, shops, and other buildings, household furniture and other property, of its members, against loss or damage by fire.

Annual election of directors.

3. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by thirteen directors, citizens of this state, to be chosen by ballot by and from among the members, to hold their offices for one year and until others are chosen to fill their places; and the election for directors shall be held on the first Monday in January in every year, at such place within said county of Bergen as the majority of the directors for the time being shall appoint, of which election the secretary shall give public notice, at least two weeks immediately preceding such election; and if any of the directors shall die, or refuse to serve and act in said office for the space of two months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors 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, two weeks' previous notice being given of the same; and until an election for directors shall be held, according to the provisions of this section, the persons named in the first section of this act shall be the directors.

Directors to choose president.

4. *And be it enacted*, That at the first meeting of the directors, held after the annual meeting of the members in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be appointed in his place; and in case of his death or resignation, the said directors shall appoint another in his stead, for the unexpired term.

Terms of effecting insurance.

5. *And be it enacted*, That every person who shall become a member of said company, by effecting insurance therein,

shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors to be the premium for said insurance, and an amount not exceeding thirty per centum on the amount of such premium shall be immediately paid; and the said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such expenses as shall be necessary for transacting the business of said company; but no member shall be held liable beyond the amount of his, her, or their promissory note; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting a just and fair proportion of all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation.

Assessment to be made for losses sustained.

6. *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 on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the corporation, or their representatives, according to the amount of each member's deposit note; *provided*, that such assessment shall not exceed the amount of such note; which assessments shall be approved by a majority of the directors; and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, so notified, shall pay the same to the treasurer of said corporation within sixty days after such notification, and in default thereof, shall forfeit all right and claim to any policy that he, she, or they may have obtained, and shall no longer be a member of said corporation; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Restriction.

7. *And be it enacted*, That no part of the funds of said corporation shall be used for banking, or for any purpose not designated by this act.

8. *And be it enacted*, That this act shall continue in force for twenty years, but it shall and may be lawful for the legislature, at any time, to alter or repeal the same. Limitation.

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

Approved February 22, 1849.

AN ACT to incorporate the Union Health Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph G. Brearley, Philip S. Phillips, Jonathan Fisk, Benjamin W. Titus, Elias Cook, John B. Anderson, and Joseph C. Potts, and all other persons who may hereafter be associated with them in the manner herein after provided, and their successors, shall be, and they are hereby constituted and declared to be a body politic and corporate, by the name, style, and title of "the Union Health Insurance Company." Names of corporators.

2. *And be it enacted*, That, for the purpose of establishing a guarantee fund, the said corporation may raise by subscription a capital not to exceed fifty thousand dollars, to be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital, at the time of subscription, an instalment of at least five dollars on each share by him or them so subscribed; and the remaining instalments on each share shall be paid at such times and in such sums as the directors of said company shall appoint. Amount of capital stock.

3. *And be it enacted*, That the corporation hereby created shall have the power to insure the health of the subscribers, as well as all other persons who shall make application for that purpose, and to make all and every insurance appertaining to or connected with health risks, of whatsoever kind or nature. Company to make insurance.

4. *And be it enacted*, That the affairs of said company shall be managed and conducted by a board of directors, a majority of whom shall be residents of this state, consisting of not exceeding thirteen members, to be annually chosen by the shareholders and such of the insured as the by-laws shall prescribe, on the first Monday in April in every year; and the persons named in the first section shall be the directors of the company Annual election of directors.

until others are chosen in their stead; the directors shall also have the power to choose a president, secretary, and treasurer, who shall be residents of this state, and such other officers and agents as they may think fit, and to fill any vacancy that may occur in their body by death or resignation.

Annual statement to be made.

5. *And be it enacted*, That within thirty days after the first Monday in January, in the year eighteen hundred and fifty-one, and annually thereafter, the directors of said company shall cause to be made a general balance statement of the affairs of said company, which shall be entered in a book prepared for that purpose; such statement shall contain—first, the amount of premiums received during the previous year, and the amount of interest received from investments and loans; second, the amount of expenses of said company during the same period; third, the amount of losses incurred within the same term; fourth, the balance remaining with the said company; fifth, the nature of the securities in which the said balance is invested, and the amount of cash on hand; also an account of existing policies; and the directors shall cause the said statement to be published in at least one newspaper printed in the city of Trenton.

Place of business.

6. *And be it enacted*, That the business of the corporation shall be carried on at such place in the city of Trenton as the directors shall direct, and at such agencies out of the said city as they may establish; and the first meeting of the directors shall be held as soon as practicable after the passage of this act; the said directors shall pass all by-laws, rules, and regulations necessary for the good government of the affairs of the company; they shall determine the rates of insurance and the amount of each risk; they shall have the power of calling meetings, and fixing stated periods for the same, whenever, in the opinion of said directors, the meetings are required; the seat of any director who shall have neglected to attend three successive stated meetings of the board may be vacated by the directors, and his place supplied as is provided for in case of the death or resignation of a director.

Funds may be invested.

7. *And be it enacted*, That the said corporation shall from time to time, as need be, invest their accumulating funds in stocks of the United States, bonds and mortgages, or such other safe securities as the directors shall approve, for the uses of said corporation.

Married women may insure.

8. *And be it enacted*, That it shall and may be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, to cause to be insured, for her sole use and benefit, the health of herself, her husband, or any other person, for such period as

she may think proper; and the amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of her said husband, or any of his creditors; but such exemption shall not apply when the amount of premium annually paid shall exceed the sum of two hundred dollars.

9. *And be it enacted*, That nothing in this act shall be construed so as to authorize said company to engage in any business save insurance upon health; and the legislature reserve the right to alter, amend, or repeal the same, whenever the public good shall require it. Restrictions.

Approved February 22, 1849.

AN ACT to incorporate the Newark Plank Road and Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel M. Wilson, Edward Doughty, Robert Dod, James H. Tichenor, David A. Hayes, Alexander N. Dougherty, James Keene, Daniel Price, John Chadwick, James H. Halsey, James Miller, George Dougherty, John S. Peshine, James M. Quinby, Charles Alling, Reuben D. Baldwin, Calvin S. Dennis, Jabez Cook, Ambrose Williams, David H. Tichenor, David M. Fitzgerald, Charles O. Bolles, Amos Wilcox, Stelle Manning, Samuel H. Gardner, Calvin Dod, Samuel F. Righter, William Frame, Ai Fitch, Horace J. Poinier, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Newark Plank Road and Ferry Company," and by that name they and their successors shall be known in law. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be sixty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferable in such a manner as the by-laws of said corporation shall direct; and that said corporation may increase the capital stock to any sum not exceeding one hundred and twenty thousand dollars. Amount of capital stock.

3. *And be it enacted*, That Daniel M. Wilson, Edward Doughty, and David A. Hayes, or a majority of them, shall be commissioners to receive subscriptions for the capital stock Commissioners to open books of subscription.

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

Election of directors.

4. *And be it enacted*, That whenever there shall be twenty-four hundred shares of the said stock subscribed, and six thousand dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers of this state, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, thirteen directors, who shall be citizens and residents of this state, and hold their offices for one year and until others are elected; and each stockholder at such election, and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

Stock forfeited for nonpayment of instalments.

5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, who shall be a resident of this state, and such other officers, with such salaries as they may deem proper; and shall and may employ such artificers, engineers, agents, labourers, and workmen, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain, and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall from time to time be necessary to effectuate this charter; and a majority of the said board shall at all times be a quorum for the transac-

tion of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments not exceeding two dollars and fifty cents on each share, by giving thirty days' notice of such required instalments in one or more newspapers circulating generally in the neighbourhood where such stockholders reside; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just; *provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to the constitution or laws of this state or of the United States, or this charter.

Commissioners to pay over money to directors.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they, or a majority of them, shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed for books, printing, or other expenditures, and the sum of one dollar per day for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation; and such directors, so annually chosen, shall, in like manner, have power to elect their president and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this act herein provided; and shall and may have power at all times to remove their officers and other persons appointed, and to appoint others in their stead, if the interest of the company shall require it; and also have power to fill all vacancies in the offices of said corporation, which may or shall happen by death, resignation, or otherwise.

Corporation not dissolved for failure to elect on day prescribed.

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

Company authorized to construct road.

8. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey,

lay out, and construct a plank road, not exceeding sixty, and not less than twenty-four feet in width, in the middle of said road, to be formed a special artificial road, of not less than sixteen feet in width continuous, or two tracks of eight feet wide, each, of substantial plank or timber, laid down in a firm and workmanlike manner, so as to present a smooth and even surface, in order to secure a good, smooth, and sufficient road at all seasons of the year, and in no case to rise above four degrees in a parallel with the horizon, to commence in the city of Newark, east of Broad-street; and thence, passing by the most convenient and direct course to the bank of the Passaic river, near the old ferry, and across the meadow between said Passaic and Hackensack rivers, and through the county of Hudson, in the most eligible route, to its point of termination in said county and opposite the city of New York; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of the lands through which the said road may be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such land be first had and obtained; and it shall be lawful for the said company, at any time, to drive piles and erect or build piers, wharves, platforms, ferry stairs, or other works necessary for the said road, and ferries thereon, in the said Passaic and Hackensack rivers; *provided always*, that no steam power shall be used on said road, nor iron rails, or other obstructions to common travel placed thereon, and that the free and uninterrupted navigation of vessels in said rivers, or either of them, is not thereby prevented by any bridge or other obstruction in said rivers, in any manner whatever.

9. *And be it enacted*, That if the owners of the land on

which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such land and all damages sustained, who shall be sworn before said justice faithfully to execute the duties of such appointment; and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said land lies, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said land lies, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and, if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee-simple of all such lands and real estate so appraised as aforesaid.

Proceedings in case company and owners of land cannot agree.

Amount of award to be paid into the court of chancery in certain cases.

10. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of the said court, for the use of the said owner or owners; all which proceedings, as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, above provided for; and the said justice shall and may direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Company to keep ferry boats.

11. *And be it enacted*, That the said company shall keep and maintain not less than two good and sufficient ferry boats, propelled or moved by steam, horse power, or otherwise, for the safe transportation of horses, carriages, passengers, goods, and other commodities, one boat on each of the said rivers, at the respective ferries, and persons capable of managing the said boats; and the said company shall cause to be put a lamp at the extreme point of each pier, at said ferries, which said lamp shall be lighted every evening before dark, and continue lighted until daylight next morning; and for each and every neglect of lighting any of the said lamps, the said company shall pay the sum of two dollars, to be recovered by an action of debt, before a justice of the peace, by any person suing for the same, for the use of the prosecutor.

Rates of ferriage and toll.

12. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, and demand and receive ferriage and toll for each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, three cents.

For every additional beast, two cents.

For every horse and rider, or led horse or mule, two cents.

For every dozen of calves, sheep, or hogs, and so in proportion for a greater or less number, six cents.

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

For every foot passenger over the ferries, six cents.

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

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

14. *And be it enacted*, That before the said company shall demand or receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road in Newark; and shall cause to be affixed and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded. Milestones to be erected.

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

16. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted for and recovered for the sole use of the person so unreasonably hindered or defrauded. Penalty for unnecessary delay.

17. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in his or her passage, and Travellers to keep to the right.

will sue for the same, to be recovered by an action of debt, with costs of suit.

Limitation.

18. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times, in all courts and places whatever, be recognized as such; and shall be commenced within two years, and continue in full force for the term of fifty years.

When act to take effect.

19. *And be it enacted*, That this act shall take effect immediately; and that the said company shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six; *provided*, that nothing herein contained shall be so construed as to impair any reversionary interest or vested rights which the state, or any incorporated company or companies, or any individual, may possess by virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, one thousand seven hundred and ninety, and the "Act incorporating the Newark turnpike company," passed December first, eighteen hundred and four; *provided also*, that unless said road and ferry shall be completed and put in use within five years from the passage hereof, this act shall be void.

Approved February 24, 1849.

AN ACT to authorize the mayor and common council of Jersey City to raise by loan, for a term of years, fifteen thousand dollars.

Mayor and common council to borrow money.

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 mayor and common council of Jersey City to raise by loan, any sum of money not exceeding fifteen thousand dollars, for a term of years, for the purpose of paying temporary loans expended for permanent improvements, and to issue the bonds of said city therefor, payable within fifteen years from the passage of this act, with the interest thereon, not exceeding seven per centum per annum; *provided however*, that such loan, or any part thereof, shall not be raised unless ordered by a resolution of the said mayor and common council, introduced at a regu-

lar meeting preceding its passage, and to be passed by at least seven concurring votes, at a regular meeting.

2. *And be it enacted*, That it shall be the duty of the said mayor and common council, for the purpose of redeeming the said loan, to raise annually, by tax, some part of said loan, so that, at the expiration of the said term of fifteen years, said loan shall be fully redeemed, and also, an annual tax, to provide for the payment of the interest upon said loan; *provided*, that the sum raised each and every year shall equal at least five hundred dollars. Redemption money to be raised by tax.

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

Approved February 24, 1849.

AN ACT to incorporate the Builders Loan Society.

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 herein after mentioned, their associates, successors, and assigns, be, and are hereby created a body corporate and politic, in and by the name of "the Builders Loan Society," to be located in Newark, New Jersey, with a capital of one hundred thousand dollars, with liberty to increase it to one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of assisting the members of the society and others to the acquisition of homes and estate, and to the removal of encumbrances and liabilities upon real property already held by them, and to enable them to receive the amount of their shares in advance, upon furnishing mortgage security, and without the usual danger of foreclosure, with payments by small, convenient, periodical instalments; and for the purpose of affording more complete and convenient accommodation in their purchases, payments, loans, small deposits, and business, to mechanics, builders, merchants, farmers, labourers, clerks, and all classes of small means or of regular incomes; and by the said name, for the above purposes, the said society shall have power to take, hold, and convey real estate or other property or money in fee, trust, pledge, mortgage, deposit, or otherwise. Style of incorporation and general powers.

2. *And be it enacted*, That it shall be lawful for said society to have and receive from any member or members any sum or Bonus on shares.

sums of money, by way of any bonus on any share or shares, for the privilege of receiving the same in advance prior to the same being realized by payments of instalments, and also to receive uniform payments of principal and interest upon the whole sum advanced monthly, or otherwise, and to relet the same from month to month; but no dividend of more than eight per cent. per annum, payable semi-annually, shall be declared upon the capital; all other profits and accumulations to be credited to the account of the periodical classes of borrowers, in proportion to the sums advanced from said capital to the respective classes, to assist in the repayment of their loans.

Borrowers to be divided into classes.

3. *And be it enacted*, That the instalment mutual shareholders or borrowers shall be divided into periodical classes, and shall have a right to demand from the capital, each month, for loans for the respective periods of said classes, an amount not to exceed one thousand dollars, to be divided into sums of one hundred dollars each; and the funds, business, and securities of said periodical classes shall be separate and distinct, and shall not be liable, in law or equity, by implication or otherwise, to or for each other, except for proportionate shares of expenses and by express contract; but all payments, profits, and accumulations of the business of each class, respectively, shall be credited to that class, to assist in the repayment of its loans and liabilities, and for its sole use and benefit.

Business to be conducted by board of directors.

4. *And be it enacted*, That the property, affairs, and business of the society shall be under the control of a board of twelve directors, a majority of whom shall be citizens of New Jersey, which said board of directors shall be chosen annually, at such times and places as the by-laws shall direct; the said directors shall have power to elect such officers, with such duties and in such manner as the by-laws shall direct, and to fix the compensation of said officers; and a majority of said board of directors shall constitute a quorum; the said board of directors shall cause to be prepared, annually, by the secretary, a true and faithful exposition of the affairs of the society at that time, which shall be open to the inspection of all the members, and be laid before them at their annual meeting, or such other as may be appointed by the society.



Commissioners to open books of subscription.

5. *And be it enacted*, That Isaac Van Wagenen, John Whitehead, and T. Russell Jencks be appointed commissioners to receive subscriptions to the capital stock of said society, at such time and place as they may designate, in the city of Newark, in this state, who shall call the meeting for organization so soon as five thousand dollars of the said capital stock is subscribed; at which meeting for organization the stockholders shall proceed to elect such directors and officers, and make such by-

laws, as they may deem necessary for conducting the affairs of said society; and such directors and officers shall hold office until their successors shall be elected; all such by-laws and all rules and regulations made from time to time by the society, and in force for the management of its business, and all contracts, covenants, or liabilities, in pursuance of all or any of such by-laws, rules, or regulations, subject to the limitations and provisions of this act, shall be legal, valid, and binding, in law and equity, on the several officers and on the members and their representatives.

Powers and restrictions.

6. *And be it enacted*, That the said society 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 compatible with the provisions of this act.

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

Approved February 24, 1849.

AN ACT to divide the township of Shrewsbury, in the county of Monmouth.

Boundaries of townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Shrewsbury, in the county of Monmouth, shall be, and is hereby divided into two townships, by a line running as follows, to wit: beginning at the mouth of Shrewsbury South river, and running up said river to Eatontown landing creek, to the east line of Jacob White's land; thence northerly, along the line of land between Jacob White and Peter Castler, to Parker's creek; thence, up said creek, to the Eatontown mill brook; thence, up said brook, to said mill; thence, up the pond, to a point where a line south, ten degrees west, will strike the road west of Asel Spinning's; thence, on a straight line, to the road leading from Eatontown to Shark river, where said road crosses Cranberry brook; thence along said road, as it runs, across Jumping brook, to the northwest corner of Skullthorp's farm; thence, on a straight line running west of the school house near John P. L. Tilton's, to the Howell line; the northwesterly part to be called the

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township of Shrewsbury, and the southeasterly part to be called the township of Ocean.

Inhabitants of Shrewsbury incorporated.

2. *And be it enacted*, That the inhabitants of the last mentioned township of Shrewsbury shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the inhabitants of the township of Shrewsbury, in the county of Monmouth," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulation, government, and liabilities, as the inhabitants of the township of Shrewsbury, first aforesaid, are now entitled or subject to by the existing laws of this state.

Inhabitants of Ocean incorporated.

3. *And be it enacted*, That the inhabitants of the said township of Ocean shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the inhabitants of the township of Ocean, in the county of Monmouth," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulation, government, and liabilities, as the inhabitants of the township of Shrewsbury, first aforesaid, are now entitled or subject to by the existing laws of this state, except that the polls at the annual township meetings to be opened at nine o'clock, A. M., and closed at five o'clock, P. M.

First town meeting in Shrewsbury.

4. *And be it enacted*, That the inhabitants of the township of Shrewsbury shall hold their first annual town meeting at the house of John L. Doty, in the village of Shrewsburytown, on the second Tuesday in March, A. D. eighteen hundred and forty-nine, in the said township of Shrewsbury.

First town meeting in Ocean.

5. *And be it enacted*, That the inhabitants of the township of Ocean aforesaid, shall hold the first annual town meeting at the house of James Anderson, in Eatontown, in the said township of Ocean, on the second Tuesday in March, A. D. eighteen hundred and forty-nine.

Town committee to divide property.

6. *And be it enacted*, That the township committees of the said townships of Shrewsbury and Ocean shall meet on Saturday, the twenty-fourth day of March, A. D. eighteen hundred and forty-nine, at the house of John L. Doty, in the village of Shrewsburytown, in said township of Shrewsbury, at ten o'clock in the forenoon of said day, 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 assessor within their respective limits at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of each of the

said townships shall be liable to pay their proportion of the debts, if any there be.

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

Approved February 24, 1849.

A supplement to the act entitled, "An act to incorporate the Newark Library Association."

Property exempted from tax.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Newark Library Association shall be exempt from the assessments mentioned in the seventh section of said act, for the lot of land in Market-street, in the city of Newark, whereon is situate the library hall of said association, so long as said association shall appropriate and use the whole of its income to promote the objects set forth in the said act.

Approved February 27, 1849.

AN ACT to incorporate the Public Hall Association of Morristown.

Commissioners to open books of subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Wood, George H. Ludlow, and Pierson A. Freeman be appointed commissioners to open books of subscription at Morristown, to raise the sum of seventy-five thousand dollars, in shares of one hundred dollars each; the said commissioners to give notice of the time and place of opening books of subscription, by advertisement in one of the newspapers printed in Morristown, for at least four weeks next previous to such time.

Style of incorporation and general powers.

2. *And be it enacted*, That the subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of "the Public

Hall Association of Morristown;" and by that name shall be, and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature and kind soever, and the same to grant, demise, pledge, alien, or dispose of; sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation; and also to appoint all such officers, agents, and servants as shall be necessary to carry into effect the powers of this act vested in said corporation, and to allow them such compensation as the board of directors shall think proper.

Shares forfeited on failure to pay instalments.

3. *And be it enacted*, That the sum subscribed shall be paid in manner following, that is to say: ten dollars on each share at the time of subscribing, to the persons receiving subscriptions, the remainder, in instalments of ten dollars on each share, when called for by the directors of said company, upon thirty days' previous notice being given in one of the newspapers printed in Morristown; and any person, corporation, or body politic failing to pay any instalments, or any part thereof, at the time prescribed and required by said corporation, shall forfeit to the said company every share upon which there shall be a deficiency, and all payments made thereon.

Election of directors.

4. *And be it enacted*, That the capital stock of said corporation shall be seventy-five thousand dollars, to be divided in 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 shall direct; and that as soon as one hundred shares of the said capital stock shall be subscribed as aforesaid, the commissioners, or a majority of them, shall give notice by public advertisement, at least ten days, for a meeting of the stockholders to choose five directors, each share of the stock entitling the holder thereof to one vote; and said election shall be made by such of the stockholders as attend for that purpose, either in person or by proxy; and the persons having the greatest number of votes at all elections, being stockholders, shall be directors, and shall hold their offices for one year and until others are elected; and annually thereafter the stockholders shall meet to elect directors, upon notice given as aforesaid.

Vacancies, how supplied.

5. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be managed and conducted

by five directors, one of whom shall be president of said company; and in case of a vacancy, by death or resignation, among the directors, such vacancy shall be filled for the remainder of the year by such person as the directors shall appoint; three directors shall constitute a board for the transaction of business of said company.

Office of clerk.

6. *And be it enacted*, That the books of said company shall be kept by a clerk, to be appointed by said company, who shall reside at Morristown, and shall at all times be subject to the inspection of any stockholder of said company in the presence of the clerk; books of account shall be kept by him, which shall at all times show a full and fair statement of the affairs of said company; no transfer of stock shall be made, unless on the book of the company kept for that purpose.

Semi-annual dividends.

7. *And be it enacted*, That the directors of said company shall make and declare such semi-annual dividends out of the net profits of the company, as they may deem prudent and proper, and pay the same to the stockholders, in proportion to the amount of shares held by them respectively; an annual statement of the affairs and condition of the company shall be furnished by the directors to the stockholders, under oath or affirmation of the clerk of said company.

Objects of incorporation.

8. *And be it enacted*, That the funds of the company shall only be used, laid out, and expended in purchasing a suitable site, in Morristown, for a public house, and erecting suitable building or buildings thereon, and furnishing the same, and for erecting a hall for public business and market house.

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

Approved February 28, 1849.

AN ACT to authorize Jonathan McClane to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Middletown, in the county of Monmouth.

Preamble.

WHEREAS Jonathan McClane, of the township of Middletown, in the county of Monmouth, and state of New Jersey, hath represented that he is the owner of certain lands situate in the township of Middletown, in the county of Monmouth, adjoining the waters of the Navesink or North Shrewsbury

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

J. McClane authorized to build dock

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

Penalty for injuring dock.

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

Approved February 28, 1849.

AN ACT to exempt dogs, in the county of Sussex, from taxation.

Former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act, approved February the fourth, eighteen hundred and forty-eight, and entitled, "A supplement to an act entitled, an act for the preservation of sheep," approved the fourteenth day of April, one thousand eight hundred and forty-six, be, and the same is hereby repealed.

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

Approved February 28, 1849.

AN ACT to incorporate the Mullica Hill and Red Bank Turnpike or McAdamized Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Mullica Hill and Red Bank Turnpike or McAdamized Road Company shall be opened by Joseph W. Reeves, Isaac Lodge, James Jessup, Charles Batten, Amos J. Peaslee, Charles Whitall, Isaac Hinchman, John B. Miller, William Haines, Joseph C. Gill, and John H. Bradway, or any six of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of the said company shall be thirty thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when five hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Mullica Hill and Red Bank Turnpike or McAdamized Road Company," and by that name shall have, hold, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect. Amount of capital stock.

3. *And be it enacted*, That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscriptions shall be paid in instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionment. Shares forfeited for nonpayment of instalments.

Act void if shares not taken in certain time.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within three years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sum paid in by them.

Annual election of directors.

5. *And be it enacted*, That when five hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Powers and duties of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this state and a resident of the county of Gloucester, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders; and in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval

between the annual elections, by death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state and resident in the county of Gloucester, and all other officers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state, or of the United States, or this act.

Annual statement to be made.

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

Special meetings.

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

Corporation not dissolved for failure to elect on day prescribed.

10. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Turnpike to be constructed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike or McAdamized road, four rods wide, from the village of Mullica Hill, in the county of Gloucester, by way of Berkley, to the river Delaware, at or near the newly established ferry at Red Bank

in said county, which turnpike or McAdamized road shall be made on the most direct and convenient route for the purpose of constructing said road; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time and at all times, upon all lands for the purpose of searching for stone, gravel, sand, clay, or other materials, for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said road, they shall pay, or make tender of payment, to the respective owners of the lands over which the said road shall pass, all damages which the said owners will sustain by reason of the construction of the said road; and in case the said company and any of such owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for the ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands, for the constructing or maintaining of said road.

Description of road.

12. *And be it enacted*, That the said turnpike or McAdamized road shall be constructed at least thirty-two feet in breadth, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, along the line of said road, not less than twenty-two feet in breadth; *provided*, that in erecting a bridge over Great Mantua creek, in said route, and also that over Woodbury creek, the said company shall construct and make, in each of said bridges, a good and sufficient draw or pivot, not less than thirty-two feet in width; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side, as to render carriages passing thereon liable to be overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses from running off.

Proceedings in case company and owners of land cannot agree.

13. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other person or persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road,

doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, clay, sand, earth, or other materials therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents, or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises, (except for the purpose of surveying said route) unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county where the said land or materials lie, who is disinterested in the premises, upon application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained; who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county in which said lands lie, to be by him filed as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said land lies, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said jury

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

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding four in number, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep, or hogs, five mills.

For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or

sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Milestones to be erected.

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

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by an action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller, passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

18. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of

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

Proceedings on complaint made.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to one of the judges of the court of common pleas of the county of Gloucester, not interested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, not interested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said judge, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to the said road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favour of the company, the same fees shall be allowed as before prescribed,

and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above prescribed, one or more respectable freeholder or freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

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

Approved February 28, 1849.

A supplement to the act entitled, "An act the better to promote the impartial administration of justice."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no justice or judge of any court of record in this state shall be disqualified from sitting in judgment upon the trial or argument of any cause, or of any point in controversy in any cause depending in such court, wherein the board of chosen freeholders of any county, or the inhabitants of any township or city, are or may be parties to the record, or otherwise interested, because such justice or judge is an inhabitant of such county, township, or city, or liable to be taxed within the same. Judges, &c., not disqualified by reason of being inhabitant, &c.

2. *And be it enacted*, That it shall not be a ground of exception or challenge to the array or to the polls, in any action specified in the foregoing section, that the sheriff, constable, or jurors are inhabitants of the county, township, or city, interested in such action, or liable to be taxed therein. Challenges.

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

Approved February 28, 1849.

AN ACT to incorporate the Trenton and Lehigh Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Elias Cook, Jonathan S. Fish, Jonathan Cook, and their associates, proprietors of the line of transportation barges plying through the Delaware and Raritan canal and feeder, between Philadelphia and Allentown, in the state of Pennsylvania, called the Trenton and Lehigh Line, be, and they are hereby made and created a body politic and corporate in law, by the name of "the Trenton and Lehigh Transportation Company," for the purpose of transporting goods, wares, and merchandise to and from Whiteshaven, in the state of Pennsylvania, to the cities of Philadelphia and New York, and all intermediate places.

Amount of capital stock.

2. *And be it enacted,* That the vessels and barges now belonging to said line (being eleven in number) shall constitute the capital stock with which said company may commence business; said stock may be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable as the by-laws may direct; and the company may from time to time increase their capital stock to an amount not exceeding, in the whole, fifty thousand dollars.

What property company may hold.

3. *And be it enacted,* That, for carrying out the purpose mentioned in the first section, the said company may use the barges they now have, and may from time to time procure and use such additional vessels as may be needed for carrying on the business aforesaid; *provided,* that nothing in this act contained shall be construed to authorize the said company to freight the article of coal; and they may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business.

Officers of company.

4. *And be it enacted,* That the business of the company shall be under the control of a board of five directors, who shall be elected by the stockholders, at such times and places and for such terms as the by-laws may provide; the directors shall elect a president, secretary, and treasurer; all other officers and agents shall be appointed in such manner and for such terms as the by-laws shall direct; in all elections and other questions, each share shall be entitled to one vote, which vote may be given in person or by proxy.

Place of business.

5. *And be it enacted,* That the office and records of the company shall be kept at the city of Trenton; that the directors shall at all times keep, or cause to be kept at their office, proper books of account, in which shall be entered the transac-

tions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company; and the president and a majority of the directors thereof, shall at all times be residents of this state.

Limitations and restrictions.

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

Approved February 28, 1849.

AN ACT for the appointment of commissioners to ascertain the boundaries of lands of Stephen Vreeland, in the county of Hudson.

Preamble.

WHEREAS Stephen Vreeland, by his petition, has represented to the legislature of this state that he is the owner in fee of certain lands in the county of Hudson, adjoining lands claimed by the state of New Jersey, and that, owing to the continued encroachment of the waters of York bay on the shore, his ancient landmarks have been destroyed, and he has great difficulty in designating the metes and bounds of his said lands, thereby causing great inconvenience and difficulty—therefore,

Commissioners to ascertain bounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius S. Van Wagoner, William F. Day, and Richard R. Paulison be, and they are hereby appointed commissioners to ascertain the metes and bounds of the lands belonging to the said Stephen Vreeland, lying in the township of Bergen, in the said county of Hudson, and covered by the waters of York bay.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners, having been first duly sworn or affirmed faithfully, fairly, and impartially to execute the trust herein reposed in them, and filed the said oath or affirmation in the office of the clerk of said county, shall meet at such time and place as they shall designate, having given thirty days' previous notice of such meeting in some newspaper published in the county of Hudson; and the said commissioners shall have power to send for persons and papers, and to swear and examine witnesses, and to make such

other investigations as by them shall be deemed necessary in the performance of their said duties.

Report of commissioners to be filed

3. *And be it enacted*, That the said commissioners shall sign a report and map, designating by metes and bounds, courses and distances, the lands belonging to the said Stephen Vreeland, and referred to in the first section of this act; and shall file the same, within sixty days after such investigation shall have been completed, in the office of the clerk of the said county of Hudson, who is hereby required to record the same in the record of divisions of said county.

Dissent to be in writing.

4. *And be it enacted*, That if the said Stephen Vreeland shall not acquiesce in the report of the commissioners, he shall place his dissent thereto, in writing, on file in the office of the clerk of the said county of Hudson, within ten days after the time limited for filing the said report and map.

Copies of report to be evidence.

5. *And be it enacted*, That after the said report and map shall be filed, and no exceptions taken thereto by the said Stephen Vreeland, within the time specified, that then and in such case the said report and map shall be considered final and conclusive; and the same, or a copy thereof, duly certified by the said clerk, under his hand and seal of office, shall be good evidence, so far as concerns the state of New Jersey, of the title of the said Stephen Vreeland to the lands designated and marked out as belonging to him, but shall in no wise affect the rights or title of any other person or persons, body politic or corporate.

Cost and expense.

6. *And be it enacted*, That the said Stephen Vreeland shall be at the whole cost and expense of the said investigation.

Public act.

7. *And be it enacted*, That this is declared to be a public act, and shall be referred to by all courts as such.

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

Approved February 28, 1849.

AN ACT to incorporate the Williamstown and Camden Turnpike or Plank Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Williamstown and Camden Road Company;" and that Joel Bodine, William Corkrey, Edward Brewer, Hiram Morgan, John W. Mickle, Edward Browning, and David E. Marshall, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

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

3. *And be it enacted*, That the affairs of said company shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when five hundred shares of said stock shall be subscribed for, the said Annual election of directors.

commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot nine directors for the term of one year, a majority of whom shall be citizens of this state; of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect by ballot nine directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, in person or by proxy; and that if five hundred shares of said stock shall not be subscribed for within four years, this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Election of president.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some other from their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

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

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

said company to construct a turnpike or plank road on the present public highway from the village of Williamstown, in the county of Camden, by way of the Cross-Keys, Blackwoodtown, Chew's Landing, and Mount Ephraim, to the Haddonfield and Camden turnpike road, by constructing thereon a turnpike or plank road, at least thirty-two feet in width along the middle, as nearly as may be, of said highway; which said turnpike or plank road shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, to make a solid, firm, and even road, at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges, along the line of said road, not less than twenty-two feet in width; and whenever the said road, in passing over low ground, shall be raised so much at the margin, or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, clay, or other material for constructing said turnpike or plank road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike or plank road aforesaid, along the said highway aforesaid, they shall pay to the respective owners of the lands over which the said highway now passes, all damages which the said owners will sustain by reason of the construction of said turnpike or plank road; and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel, or other materials from his or her lands for the constructing or maintaining of said turnpike or plank road.

Description of road.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, labourers, and other person or persons by them employed, with carts, wagons, and other carriages, and with their beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said highway, doing as little damage thereto as possible, re-

Proceedings in case company and owners of land cannot agree.

pairing any breach they may make in the enclosure thereof; and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said highway, and to take and carry away any stone, gravel, clay, sand, earth, or other materials there being most conveniently situated, and being most suitable for improving said highway as aforesaid, the said owners or occupants of such lands being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within twelve months from the time of such damage sustained, or materials taken away; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for either party to apply to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county whence such materials were taken, not being a stockholder or in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of the state as appraisers; and thereupon, the said appraisers, having given at least fifteen days' notice, in the manner aforesaid, of the time and place of their meeting, to each party, to meet at such time and place, and having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement, under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of said county whence such materials were taken, to be by him filed in his office, and remain of record therein; which said valuation and appraisement shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor; and every such owner or owners of the said lands, having first made demand of the said company for the amount so valued or appraised, may sue for and recover the same, by action of debt, with costs of suit.

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed five miles of the said turnpike or plank road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile, and all fractions over half a mile, of the said turnpike or plank road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent and a half.

For every additional beast, one cent and a half.
For every horse and rider, or led horse or mule, five mills.
For every dozen of calves, sheep, or hogs, five mills.
For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship, on the sabbath day, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Milestones to be erected.

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

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said turnpike or plank road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of damages for the same, to be recovered by the said company, by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, turn out of the said turnpike or plank road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for pass-

ing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

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

Proceedings in cases of complaint.

13. *And be it enacted*, That if the said company shall not keep the said turnpike or plank road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Camden, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike or plank road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike or plank road, or bridge, so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavourable to the said turnpike or plank road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence forfeit and pay twenty dollars, to be sued for by any

person who shall prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company, again to view the said turnpike or plank road, or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons, or a majority of them, shall be in favour of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable freeholders, in the township or townships who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Dividends may be made.

14. *And be it enacted*, That the said company may, from time to time, make and declare such dividends from the tolls as they may think proper, and that when the board of chosen freeholders of the county of Camden shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike or plank road as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the lands on which the said turnpike or plank road passes.

When act to take effect.

15. *And be it enacted*, That this act shall not take effect until the public highway upon which the said turnpike or plank road is authorized to be located and made is vacated as a public highway according to law.

Powers and restrictions.

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

Approved February 28, 1849.

AN ACT to incorporate the Protestant Foster Home Society of the city of Newark.

Preamble. WHEREAS a number of females of the city of Newark have associated themselves together, under the name of the Protestant Foster Home Society of the city of Newark, for the purpose of providing for the support and education of destitute children of said city, and have desired to be made a body politic and corporate, for the purpose of better carrying out their benevolent object, and have adopted a constitution, under which they are now acting, which is as follows, that is to say:

ARTICLE I.

Constitution. This association shall be called "the Protestant Foster Home Society of the city of Newark."

ARTICLE II.

The object of this association shall be, to provide for the support and education of destitute children of the city of Newark, who are suffering through the inability, neglect, or death of either or both their parents.

ARTICLE III.

Any female may become a member of this society, by subscribing this constitution, and paying to the treasury not less than one dollar; and shall continue a member so long as she pays annually, in advance, not less than that sum, and a life member, by paying any sum not less than twenty-five dollars. Any person, by paying at one time not less than fifty dollars, shall be constituted an honorary member.

ARTICLE IV.

The business of this association shall be conducted by a board of managers, not less than thirty, to be elected annually, on the first Monday in June, by a majority of the members present at such election. Said managers shall choose, from among themselves, a first and second directress, a recording and a corresponding secretary, and a treasurer. They shall have power to fill all vacancies which may occur in their own body during the year. If the annual election should not be held on the stated day, the managers shall continue in office until a new election, which shall take place at such time, and after such notice, as the board shall prescribe.

ARTICLE V.

It shall be the duty of the board of managers to provide a suitable home for the children under their care; to inspect its

condition from time to time; to select the beneficiaries of the society, to become acquainted with their character, and attend to their education and progress; also, to appoint one or more superintendents and other necessary agents, and prescribe their respective duties; to oversee the financial concerns of the association; appoint collectors of the funds; and adopt such rules, by-laws, and other measures, not inconsistent with this constitution, as shall, in their judgment, promote the welfare of the society.

ARTICLE VI.

The board of managers shall meet on the first Friday of each month. They shall also appoint a committee to visit the institution once in each week. Five shall constitute a quorum.

ARTICLE VII.

The first directress, or, in her absence the second directress, and in the absence of both, any member of the board appointed for that purpose, shall preside at all meetings of the board and of the society, preserve order, state the questions under consideration, declare the decisions, and, in case of a tie, have a casting vote. The first directress may call special meetings of the board, and, by the advice of the board, special meetings of the society.

ARTICLE VIII.

The recording secretary shall keep a register of the names of the members and donors, and of the sums paid or given by them; prepare papers for the collectors; give notice of all meetings of the board and of the society, attend their meetings, and record their proceedings. The corresponding secretary shall conduct the correspondence and prepare the annual report.

ARTICLE IX.

The treasurer shall receive, and keep an account of all moneys belonging to the society, make all disbursements ordered by the board of managers, and exhibit an account thereof at the annual meeting, and at such other times to the board, as as they may direct.

ARTICLE X.

The children shall be supported and educated at the Foster Home, at the expense of the society. They shall be trained to habits of industry, and have the benefit of an ordinary or common literary education. The protestant bible shall be the standard of moral and religious instruction in the school of the Foster Home, and the children shall be taught the essential principles of the gospel, as held by evangelical christians. As

soon as their age and acquirements shall render them capable of earning their living, suitable places of employment shall be sought for them.

ARTICLE XI.

The board of managers shall appoint standing committees, who shall give special attention to the several departments of business which may be referred to them.

ARTICLE XII.

The board of managers shall appoint not more than seven, nor less than five male citizens, who shall constitute a board of trustees, and shall be called "the trustees of the Protestant Foster Home Society of the city of Newark." The said trustees shall receive and hold the titles of any and all real estate that shall be given to, purchased, or otherwise acquired by the society; and if any funds that may belong to this society are to be invested, or securities to be taken therefor, such investments shall be made by, and such securities given to the said trustees, and the survivors of them, for the benefit of the society. The said trustees shall also act as visitors of the Foster Home, and counsellors of the board of managers, when requested to do so. And, in order to keep up a succession of members of the said board of trustees, it shall be the duty of the board of managers to supply all vacancies, as they shall from time to time occur, by death, resignation, removal, or other inability to act as trustees.

ARTICLE XIII.

All the property of the society vested in the hands or names of the trustees, and all the income and proceeds thereof, shall be subject to the disposal and management of the said board of managers, in such manner as the said board shall direct and appoint.

ARTICLE XIV.

This constitution may be altered or amended at any annual meeting of the society, upon the recommendation of the board of managers, by a vote of two-thirds of the members present. Therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abigail J. Riggs, Nancy Burnet, Julia A. Tuttle, Phœbe R. Goble, Mary Rogers, Catharine Howell, Matilda E. Frelinghuysen, Mary Ann Hornblower, Abby Van Antwerp, Abby L. Goble, Hetty B. Johnson, Mary Q. Burroughs, Mary C. Nichols, Amanda Waldron, Hannah Jackson, Jane Meeker, Cornelia Baldwin, and their associates, the persons who have thus associated themselves together, as

first above mentioned, be, and they are hereby constituted and made a body politic and corporate, in fact, name, and law, by the name of "the Protestant Foster Home Society of the city of Newark," subject to the organization and provisions of the constitution above recited; and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive, and enjoy, manage and dispose of, any lands, tenements, hereditaments, and real and personal estate whatsoever and howsoever. Style of incorporation.

2. *And be it enacted*, That the trustees mentioned in the twelfth article of the constitution, above recited, shall, as soon as conveniently may be after the passage of this act, convey, assign, and transfer to the said corporation, all and any land, real estate, personal property, funds, or effects, in their hands or name, for the use of the said society; and upon such conveyance, assignment, and transfer, the said trustees shall be discharged from any responsibility, as to any subsequent disposition and use of the said property, by the said corporation, or its officers, members, or agents; but such trustees may be empowered by the said corporation, and in its name, and for its use, to transact such portion of its financial and business affairs, as may be deemed expedient and proper, subject to the usual liability of agents acting in that behalf. Trustees to convey property to corporation.

3. *And be it enacted*, That it shall be lawful for the said corporation, as guardian of the children under its care, to bind out such of the said children, who shall have been under their care for more than one year, as they may deem advisable; *provided*, that where the parent of any such child shall pay any thing to the said corporation for its support, the consent of such parent to the exercise, by the said corporation, of such control over the said child shall be required. Corporation may bind out children.

And whereas conveyances have heretofore been made of certain real estate in the city of Newark, in trust, for the purpose of a Female Union School Society, for the education of indigent female children, and with power in the said trustees, if at any time the said society shall deem it best for the interest of the said school, or for any other reason shall consider it expedient to change the location of the said school, to sell and convey the said land, or to lease the same; but the proceeds arising from such sale or renting to be applied for the renting or purchasing other land or school house for the use of the said school, or be otherwise honestly and faithfully applied for the support of such school; and whereas an Preamble.

opportunity is hereby afforded to carry out the said trust in a beneficial manner, consistent with the terms and objects thereof, by uniting the same with this association, thereby saving much expense and inconvenience—therefore,

Trustees may receive proceeds of sale, &c.

4. *Be it enacted*, That it shall and may be lawful for this association, in case a sale of the said property be made by the trustees or managers of the said Female Union School Society, to receive the proceeds arising from such sale, (and until such sale the rents and profits arising therefrom) if it shall be the wish of the said society and its trustees or managers to pay over the same; and that on the receipt of the said moneys, the same shall be applied to that part of the charity herein provided for and embraced in the trust created by the said conveyances; and this corporation shall be and remain the trustees, in the place and stead of the trustees created by the aforesaid conveyances, and with the same powers and duties.

Property not subject to tax.

5. *And be it enacted*, That the property of the society hereby incorporated shall not be subject to taxes or assessments.

Act may be amended &c.

6. *And be it enacted*, That this act shall go into effect immediately; *provided always*, that the Senate and General Assembly may at any time hereafter amend, modify, or repeal this act, as they shall think proper.

Approved February 28, 1849.

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

Fees of jurors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person summoned to serve as a petit juror in the courts of record in the several counties of this state, except courts for the trial of small causes, shall receive the sum of one dollar for every day's attendance at such courts, to be ascertained and paid in the manner now provided by law.

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

Approved February 28, 1849.

AN ACT to incorporate the Moorestown and Camden Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Moorestown and Camden Turnpike Company shall be opened by Amos Stiles, Jonathan J. Spencer, Elisha Hunt, Allen Jones, Levi Borton, Edward Browning, Joseph A. Burrough, Benjamin W. Cooper, or any five of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when six hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Moorestown and Camden Turnpike Company," and by that name shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect. Amount of capital stock.

3. *And be it enacted*, That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscriptions shall be paid in instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments. Shares forfeited for nonpayment of instalments.

Act void if shares not taken in certain time.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within three years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sum paid in by them.

Annual election of directors.

5. *And be it enacted*, That when six hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Powers and duties of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this state and resident in the county of Burlington or Camden, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders; or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval

between the annual elections, by death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state and resident in the county of Burlington or Camden, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement to be made.

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

Special meetings.

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

Corporation not dissolved for failure to elect on day prescribed.

10. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Company authorized to construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, four rods wide, from the village of Moorestown, in the county of Burlington, to the truss bridge over Cooper's creek, in the county of Camden; which turnpike road shall be constructed

and made on and along the public highway leading from said village to said bridge; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time and at all times, upon all lands for the purpose of searching for stone, gravel, sand, clay, or other materials, for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the said highway aforesaid, they shall pay to the respective owners of the lands over which the said highway now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands, for the constructing or maintaining of said turnpike road.

Description of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners of land cannot agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof; and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other

materials therefrom, suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of 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, or to one of the judges of the court of common pleas of the county of Burlington, or of the county of Camden, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or, if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by the company for such land or materials, and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or

materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding three in number, and to demand and receive toll for travelling each mile, and all fractions over a half of a mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.
For every additional beast, one cent.
For every horse and rider, or led horse or mule, five mills.
For every dozen of calves, sheep, or hogs, five mills.
For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Milestones to be erected.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every

mile on said road; and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Moorestown; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller, passing at any of the gates and turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

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

Proceedings on complaint made.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county of Burlington or Camden, as the case may be, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same, until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to this justice, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favour of the company, the same fees shall be allowed as before prescribed, and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Toll not to be charged on certain parts of road.

20. *And be it enacted*, That if at any time hereafter, a turnpike road shall be constructed and completed from the village

of Marlton, in the county of Burlington, through the village of Ellisburgh, in the county of Camden, by a company which may be chartered by the legislature of this state, which said road shall intersect the turnpike road that may be constructed from Moorestown to Camden, by the Moorestown and Camden Turnpike Company, that then and from thenceforth, and so long as the said turnpike roads shall exist and continue to be used as turnpike roads, it shall not be lawful for the said the Moorestown and Camden Turnpike Company to erect, or cause to be erected, or to keep up any gate for the collection of toll, which may have been before that time erected by said company between the junction of said roads and the lower terminus of the said the Moorestown and Camden turnpike road; but that all persons, with their wagons, carts, and other carriages and horses, cattle and other beasts, who shall come upon the said Moorestown and Camden turnpike road from the said turnpike road from Marlton through Ellisburgh, shall be permitted to travel and pass over that part of the said Moorestown and Camden turnpike road, between the junction of the said roads and the lower terminus of the said Moorestown and Camden turnpike road, free and clear of all charges and tolls whatsoever, to the said the Moorestown and Camden Turnpike Company; *provided always*, that the company which shall construct the said turnpike road from Marlton through Ellisburgh as aforesaid, so soon as the same shall be completed and ready for use, shall pay to the said the Moorestown and Camden Turnpike Company forty-five per cent. of the original cost of the construction of that part of the said the Moorestown and Camden turnpike road between the junction of the aforesaid roads and the lower terminus of the said Moorestown and Camden turnpike road; *and provided also*, the company which shall construct the said road from Marlton through Ellisburgh, as aforesaid, shall, from time to time, and at all times thereafter, whenever the same shall be required, pay to the said the Moorestown and Camden Turnpike Company forty per cent. of the actual cost of keeping the aforesaid part of the said Moorestown and Camden turnpike road in repair.

When act to take effect.

21. *And be it enacted*, That this act shall not take effect until the public highway upon which the said turnpike is authorized to be located and made, is vacated as a public highway according to law; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 28, 1849.

AN ACT for the relief of legatees and next of kin, in the recovery of legacies and distributive shares.

Refunding bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the refunding bonds required or directed to be given, by any law of this state, upon the payment of, or before bringing suit for the distributive share of the personal estate of any intestate, or any bequest or legacy, shall, in all cases, be good and sufficient for any purpose for which the same are required by law, if signed and executed by the next of kin or legatee giving the same, or the husband or guardian of such legatee or next of kin, without any sureties whatever.

Creditors barred, if claim is not presented in certain time.

2. *And be it enacted*, That when an order directing creditors to bring in their claims, has been, or shall be made by any orphans' court in this state, pursuant to the provisions of the fifteenth section of "An act for the limitation of actions," and after the expiration of the time in such order limited, proof of setting up and advertising the notice thereby directed according to law, has been or shall be exhibited to their satisfaction, such orphans' court may, by final decree, order that all creditors who have not brought in their claims within the time in said order directed, shall be barred from any action therefor against the executor or administrator; and such decree, so to be made, or heretofore made, shall be conclusive against all persons whatever; and if any executor or administrator to whom any such claim is presented or brought in, dispute the same, or any part thereof, and shall give notice in writing to the creditor or claimant, his attorney or agent, that said claim, or any part thereof, is disputed, such creditor shall bring suit therefor in three months from the time of giving such notice; and in any suit not commenced within said time, said decree shall bar any recovery of the account or part so disputed, as if said debt or claim had not been presented within the time so limited by said court.

Claims to be in writing.

3. *And be it enacted*, That all such claims or demands shall be presented in writing, specifying the amount claimed and the particulars of the claim, or the bringing in of the same shall be of no effect.

Suits may be brought on refunding bonds.

4. *And be it enacted*, That any creditor, who may be barred by virtue of such decree of limitation, may bring suit on any refunding bond taken by any executor or administrator, in the name of said executor or administrator, but with the name of such creditor stated in the process and pleadings as the prosecutor thereof, and may recover thereon the proportion of his

debt, which ought to be paid out of the legacy or distributive share for which said bond was given, but shall not recover costs in such suit; and if judgment be given for the defendant therein, he shall have judgment against the prosecutor for his costs of suit, and not against the plaintiff; and there shall not be recovered on such bond, in the whole, a greater amount than the legacy or share actually received by the person by or for whom it was given.

Proceedings in case of nonpayment of legacy.

5. *And be it enacted*, That in case any executor or administrator shall not have paid over any legacy or distributive share, not attached in his hands, within six months from the date of the final decree of limitation, the proportion of any debt which ought to be paid out of such legacy or legacies, distributive share or shares, so remaining unpaid at the commencement of the suit, may be recovered by any creditor, in a suit to be brought against such executor or administrator therefor, but without costs, notwithstanding such decree of limitation; and in any such suit it shall be conclusive evidence that such share or legacy, if not attached, was not paid over, if it appear that at the commencement of the same, no refunding bond therefor was filed in the office of the county wherein such decree of limitation was made, unless, at the time of pleading the said decree of limitation, the same was so filed, and costs of the suit to that time tendered to or paid into court for the plaintiff; *provided*, that nothing in this act shall enable any person to recover a claim barred by any limitation besides said decree.

6. *And be it enacted*, That in any citation to account, or in any suit brought for any legacy or distributive share, it shall be no defence, that there are disputed claims outstanding or in suit against the estate, if the executor or administrator shall have neglected for six months to obtain an order to limit creditors, and to proceed thereon according to law, unless a suit brought within a year from the grant of probate or administration be pending on such claim.

Part of former act repealed.

7. *And be it enacted*, That the proviso in the fifteenth section of the act entitled, "An act for the limitation of actions," be, and the same is hereby repealed.

Approved February 28, 1849.

AN ACT relative to the construction of a new bridge over the river Raritan, at the city of New Brunswick, on the site of the present bridge.

Proprietors authorized to erect bridge.

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 proprietors of the New Brunswick Bridge, and the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick, each for themselves respectively, to make and execute a lease, or other agreement, in due form of law, upon such terms and conditions as shall be mutually agreed upon, authorizing the erection and use of a new bridge over the river Raritan, on the site of the present bridge at the city of New Brunswick, by the said the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick.

Rights of N. Brunswick Bridge Co. not affected.

2. *And be it enacted,* That nothing in this act shall be construed to affect in any manner the present or past rights of the New Brunswick Bridge Company, nor any question relating to the forfeiture of the charter of the same, but that every legal question shall be considered as remaining in the same position as if this act had not been passed.

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

Approved February 28, 1849.

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

Penalty increased.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the tenth section of the act to which this is a supplement, be so changed as to increase the penalty therein named to ten dollars, in case of killing, destroying, or taking any grouse, as therein specified.

Approved February 28, 1849.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Mullica Hill and Woodbury Turnpike Company;" and that Robert K. Matlock, Benjamin C. Tatum, John B. Harrison, John R. Sickler, John Gaunt, Nathan T. Stratton, Joseph Saunders, John W. Hazleton, John Duell, Thomas H. Whitney, William R. Tatum, William Knight, and Carlton P. Stokes, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

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

3. *And be it enacted*, That the affairs of said company shall be managed by a board of thirteen directors, a majority of whom shall be a quorum for the transaction of business, but Election of directors.

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

Election of president.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some other from their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year

shall exhibit to them a full and complete statement of the affairs of the company during their said term.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road on or near the present public highway from the village of Mullica Hill to Woodbury, in the county of Gloucester, by way of Carpenter's Landing, at least thirty-two feet in width, which said turnpike shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, to make a solid, firm, and even road, at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges, along the line of said road, not less than twenty-two feet in width; and whenever the said road, in passing over low ground, shall be raised so much at the margin, or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, clay, or other material for constructing and improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the said owners cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel, or other materials from his or her lands for the construction or maintaining of said turnpike road. Description of road.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be ne- Proceedings in case company and owners of land cannot agree.

cessary for properly draining said road, and to take and carry away any stone, gravel, clay, sand, earth, or other materials therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises, (except for the purpose of surveying said route) unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Gloucester, who is disinterested in the premises, upon application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal; who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Gloucester, to be by him filed as a public record, and certified copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal; which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given,

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

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep, or hogs, five mills.

For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law,

or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Milestones to be erected.

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

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of damages for the same, to be recovered by the said company, by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

12. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of the said highway, in the passing directions, leaving the other

side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in cases of complaint.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Gloucester, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road, or bridge, so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavourable to the said turnpike road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said turnpike road, or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favour of the company, the same fees shall be allowed as before prescribed, and paid by the person making

the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable freeholders, in the township or townships who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

County may take road on payment of cost.

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

Statement of cost to be filed.

15. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Gloucester, a full and perfect statement of the costs of the construction of said road.

When act to take effect.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made, are vacated as public highways according to law; and in the event of such vacation as aforesaid, the board of chosen freeholders of the county of Gloucester shall determine upon what terms and conditions the bridges upon said roads, now belonging to said county, shall be disposed of to the said company hereby incorporated; and in case the said company and the said board of chosen freeholders cannot agree upon the amount proper to be paid for said bridges, then in that case the damages shall be assessed in like manner, and subject to the same regulations and restrictions, as is provided for in the seventh section of this act, in relation to other materials and damages therein specified.

Powers and restrictions.

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

Approved February 28, 1849.

A supplement to an act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six.

Terms of court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the orphans' court in and for the county of Cumberland shall hold annually four stated terms, at Bridgeton, at the times following, that is to say: on the Monday preceding the second Tuesday of February, May, August, and November, respectively, and not otherwise.

Part of former act repealed.

2. *And be it enacted*, That as much of the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, as requires the orphans' court in and for the county of Cumberland to be held on the second Tuesday of February, May, August, and November, respectively, and not otherwise, be, and the same is hereby repealed.

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

Approved February 28, 1849.

A supplement to an act entitled, "An act respecting the orphans' court, and the power and authority of surrogates."

Letters may be revoked.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the executor or executors of any last will and testament has or have removed, or shall hereafter remove out of this state, or do not reside within the same, and shall neglect or refuse to proceed with the administration of the estate, and to execute and fulfil the trusts mentioned in the last will and testament of the testator, it shall be lawful for the orphans' court of the county where letters testamentary have been granted, upon complaint made by any person interested in the estate of the testator, to revoke the letters testamentary granted to such executor or executors, and thereupon to grant letters testamentary, with the will annexed, to such fit, responsible, and discreet person or persons as such orphans' court shall see fit and proper.

Citations to be issued.

2. *And be it enacted*, That before any letters testamentary shall be issued in pursuance of this act, citations shall be duly

issued, directed to all the parties interested in the estate of the testator, and shall be duly served on all the parties named therein, resident within the jurisdiction of the court, requiring such persons, on a certain day to be named therein, to show cause why the letters testamentary, theretofore issued, should not be revoked, and letters testamentary, with the will annexed, issued, as mentioned in the first section of this act, a copy of which citation shall also be published in some newspaper of this state, to be designated by the court, once in every week, for at least thirty days prior to the time appointed for the hearing of said complaint; and the truth of said complaint shall be duly proved and established before said court.

Bond to be given.

3. *And be it enacted*, That all persons to whom letters testamentary, with the will annexed, of any person or persons, shall be issued, in pursuance of this act, shall be required, before the issuing thereof, to give bonds to the ordinary of this state, with two or more sureties able and sufficient, in such penalty as the court shall direct, with condition for the faithful execution of the trust reposed, and, as far as the same is applicable, in conformity with the condition of the bond required by the eleventh section of the act entitled, "An act respecting executors and the administration and distribution of intestates' estates," to be given by persons to whom administration shall be granted.

Powers of adminstrators cum. tes. an.

4. *And be it enacted*, That all persons to whom letters testamentary shall be issued, in pursuance of this act, shall have full power and authority to demand, recover, and receive the estate of the testator, and to fulfil all and every the trust and trusts contained in his last will and testament, in the same manner and to the same effect as if such person or persons had been named in said last will and testament, as the executor or executors thereof, and shall have all lawful and proper action and actions, suit and suits, both at law and in equity, as well against the executor or executors whose letters shall be revoked as aforesaid, as all other persons, necessary for the administration and final settlement of the estate of the testator, and the execution and fulfilment of the trusts mentioned in said last will and testament.

Former executors not released from liability.

5. *And be it enacted*, That nothing in this act contained shall be construed or held to release or discharge any executor or executors, whose letters may be revoked as aforesaid, from liability to account, as heretofore, for the estate, or any part thereof, of his or their testator received, or which ought to have been received by him or them, or for any neglect, default, miscarriage, or breach of trust by him or them done, committed, or suffered, or to release or discharge the surety or sureties, if any shall have been given, of such executor or executors from his or their liability.

6. *And be it enacted*, That no appeal to the prerogative court, from any order, sentence, or decree of any orphans' court of this state, hereafter to be made, shall be allowed, unless such appeal shall be demanded within six months from the time of the making of such order, sentence, or decree; and that no appeal from any such order, sentence, or decree, heretofore made, shall be allowed, unless such appeal be demanded within six months from the time of the approval of this act. When appeal to be made.

7. *And be it enacted*, That this act shall not be held to apply to cases where, by law, the time within which appeals shall be taken from the orders, sentences, or decrees of the orphans' court to the prerogative court, is now limited. Act not to apply in certain cases.

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

Approved February 28, 1849.

AN ACT to incorporate the Morris County Mutual Life and Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ira C. Whitehead, Francis Child, Moses A. Brookfield, George H. Ludlow, James J. Scofield, Ebenezer B. Woodruff, Ashbel Bruen, Freeman Wood, George Vail, Benjamin O. Canfield, John B. Johnes, Thomas L. King, Thomas C. Willis, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, of "the Morris County Mutual Life and Fire Insurance Company," to be located at Morristown, in this state; and, in addition to the real estate which the said corporation is allowed to hold, they may hold all such real estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts. Names of corporators. Style of incorporation.

2. *And be it enacted*, That all persons who shall at at any time hereafter insure in or with the said association, shall, while they so continue, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by thirteen directors, a majority of whom shall be residents of Morris county, to be Annual election of directors.

chosen by ballot, by and from among the members, and shall hold their offices for one year and until others are chosen; and that the election for directors shall be held on the third Monday of April, in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county of Morris, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; *provided*, that the persons named in the first section of this act shall be directors, until others are chosen in their stead.

What property may be insured.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure lives, and to make all and every insurance appertaining to or connected with life risks, of whatever kind or nature; and also to insure all kinds of property, both real and personal, against loss or damage by fire.

Married women may insure.

4. *And be it enacted*, That it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured, for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of any of his creditors; but such exemption shall not apply when the amount of premium annually paid shall exceed three hundred dollars.

Insurance how paid in case of death of wife.

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

Surplus fund may be loaned.

6. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount insured, and to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Directors to choose president.

7. *And be it enacted*, That at the first meeting of the directors, held after the organization of this company, and at every annual meeting of the directors in each year after, they shall choose, from among themselves, one person for president, who

shall continue in office until the next annual meeting and until another shall be appointed in his place.

Assessment to be made for losses sustained.

8. *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 on such terms and conditions, and for such periods of time, and confined to such persons, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if, at any time, it shall so happen that there shall be just claims on the corporation for losses sustained, to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, and one per cent. on the principal sum mentioned in each policy; which rates or assessments shall be approved of by a majority of the directors; and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, or his lawful representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction; *provided*, that the accumulated funds from premiums for insurance against fire shall be kept, upon the books and in the treasury of said company, distinct and separate from the other funds thereof, and in case of loss by fire, the indemnification shall be paid out of such fund exclusively; and in all cases of life risks, the indemnification or annuity shall be paid out of the funds arising from premiums upon such risks exclusively.

Special meetings of directors.

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

Limitation.

10. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved 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 February 28, 1849.

AN ACT to prevent swine from running at large in the village of Medford, in the county of Burlington, and in the villages of Lower and Upper Rahway and Leesville, in the counties of Essex and Middlesex.

Preamble. WHEREAS serious inconvenience is felt by the inhabitants of the village of Medford, in the county of Burlington, and the inhabitants of the villages of Lower and Upper Rahway and of Leesville, in the counties of Essex and Middlesex, in consequence of the owners of swine permitting them to run at large, and whereas no adequate remedy is provided by law—therefore,

Swine may be impounded and sold. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who is a resident of the village of Medford, in the county of Burlington, or a resident of the villages of Lower and Upper Rahway and of Leesville, in the township of Rahway, in the county of Essex, and of the township of Woodbridge, in the county of Middlesex, to drive or convey to the public pound, in said townships, any swine found running at large in the public streets, highways, or otherwise, within the circuit of one mile from the banking houses in said villages, and impound the same; and the keeper or keepers of the public pounds in said townships is or are hereby required and authorized to receive all such swine, and shall have twenty-five cents per head for impounding each swine; and the keeper shall have the sum of twenty-five cents for letting in and out of the pound, for each and every one, and for feeding and attending, five cents per head for every twenty-four hours they shall continue in said pound; and if the owner or owners of the said swine so impounded shall not pay the charges of impounding and keeping them, within six days after such swine shall be impounded, and take the same away, it shall then be the duty of the said pound keeper to set up advertisements in three of the most public places in said villages, describing such swine, and giving at least

ten days' notice of an intended day of sale; and if the owner or owners of such swine do not appear and redeem the same, before the time so notified, the said pound keeper shall sell the same accordingly; and, out of the money arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping, and feeding said swine, and twenty-five cents for the advertising, sale, and collecting the money for each swine, and return the surplus to the owner of the swine, if they shall appear and claim the same; and if no owner shall appear and claim such overplus, within six months after such sale, the same shall be paid to the overseer of the poor of the said townships, for the use of the poor of said townships.

2. *And be it enacted*, That this act shall take effect on the first day of May next.

Approved February 28, 1849.

AN ACT to incorporate the Westfield and Camden Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Westfield and Camden Turnpike Company shall be opened by Samuel R. Lippincott, Nathaniel N. Stokes, John S. Hylton, William Folwell, Chalkley Gillingham, Joseph R. Weatherby, and Nathan H. Conrow, or any three of them, a majority of whom are hereby appointed commissioners to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be seven thousand dollars, with liberty of the said company to increase the same to fourteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Westfield and Camden Turnpike Company;" and by that name shall have, enjoy, and exercise all the rights, powers, and privileges ap- Amount of capital stock.

pertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Shares forfeited for nonpayment of instalments.

3. *And be it enacted*, That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in instalments, and at such times and places, and to such persons, as the president and directors shall from time to time direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than five shares of said stock shall be reduced by such apportionments.

Act void if shares not taken in certain time.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within two years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in by the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Annual election of directors.

5. *And be it enacted*, That when two hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote,

a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than ten votes, although he or she may have a greater number of shares.

Powers and duties of president.

6. *And be it enacted*, That within twenty days after the annual elections as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this state, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders; or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state, and all other officers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement to be made.

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

Special meetings.

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

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

Corporation not dissolved for failure to elect on day prescribed.

10. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Company authorized to construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, four rods wide, from the bridge over Pennshawkin creek, in the road leading from Burlington to Camden, to some place near the bridge over Cooper's creek, in said road, in the county of Camden; which turnpike road shall be constructed and made on and along the main public highway leading from the city of Burlington, through Westfield, to the city of Camden; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials, for the construction or use of said road, doing thereby no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the said highway aforesaid, they shall pay to the respective owners of the lands over which the said highway now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of such owners cannot agree upon the amount of such damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other materials from their lands, for the constructing or maintaining of said turnpike road.

Description of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least twenty-six feet in breadth, along the middle, as nearly as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry; and at least fifteen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm,

and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, along the line of said road, not less than eighteen feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side, as to render carriages thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners of land cannot agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof; and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom, suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of 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, or to one of the judges of the court of common pleas of the county of Camden, who shall cause the said company to give notice thereof to the persons interested, if known, or in this state, or, if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed

by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by the company for such land or materials, and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding two in number, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, viz:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep, or hogs, five mills.

For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from their usual place of public worship, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm.

Toll not to be charged on certain parts of road.

15. *And be it enacted*, That in case the turnpike road to be constructed by virtue of this act, shall intersect a turnpike road which may hereafter be made between Moorestown and Camden, by the Moorestown and Camden Turnpike Company, it shall and may be lawful for all persons travelling over the road to be built by virtue of this act, to use and travel over that part of the Moorestown and Camden turnpike road between said intersection and the lower termination of said road, without the payment of any toll or charge whatsoever, by the persons so travelling over this road, to the Moorestown and Camden Turnpike Company; *provided always nevertheless*, that as soon as this road is made and ready for use to its intersection with the Moorestown and Camden turnpike road, this company shall pay to the said Moorestown and Camden Turnpike Company twenty-five per centum of the original cost of the construction of that part of the Moorestown and Camden turnpike road between the said intersection and the point where the same may be intersected by the Camden, Ellisburgh, and Marlton road, and fifteen per centum of the original cost of the construction of said road between the last named intersection and the lower terminus of the Moorestown and Camden turnpike road; and shall also, from time to time and at all times, whenever required so to do, pay to the said Moorestown and Camden Turnpike Company twenty-five per centum of the annual expense of keeping in repair that part of their said road, between the point where the same may be intersected by this road and that point where the same may be intersected by the Camden, Ellisburgh, and Marlton road, and twenty per centum of such annual expense for that part of said road between the last named intersection and its lower terminus; *provided always*, that nothing in this act contained shall be so construed as to prevent this company from charging, collecting, and receiving toll, at the rates herein provided for, for the whole distance travelled over their said road and the Moorestown and Camden road, from all persons who may travel over the same.

16. *And be it enacted*, That before the said company shall

Milestones to be erected.

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

Penalty for injuring works.

17. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, and horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

18. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller, passing at any of the gates and turnpikes, or shall demand more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

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

subject to an action for damages for every such offence, to be recovered with costs of suit.

20. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made thereof to any justice of the county of Camden, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavourable to said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same, until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favour of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Proceedings on complaint made.

When act to take effect.

21. *And be it enacted*, That this act shall not take effect until the public highway upon which the said turnpike is authorized to be located and made, is vacated as a public highway according to law; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 28, 1849.

AN ACT to enable the township of Van Vorst, in the county of Hudson, to grade, pave, curb, and drain the Newark turnpike road within its limits.

Preamble.

WHEREAS the township of Van Vorst, in the county of Hudson, has become so populous as to render it desirable to have the Newark turnpike road, or avenue, regulated, graded, paved, curbed and drained, and for that purpose to exercise jurisdiction over so much of the said turnpike road as lies within the aforesaid township—therefore,

Township of Van Vorst may make contracts with company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township of Van Vorst to make any contract or contracts with the Newark Turnpike Company for regulating, grading, paving, curbing, and draining that part of the Newark turnpike road, or avenue, which lies within the said township of Van Vorst, or so much thereof, as shall from time to time be agreed upon by the respective parties, so as to give the same authority over, and power and right to improve the said turnpike road, or avenue, to the said township, as it now possesses by law over other streets or avenues in said township; *provided always*, that nothing in this act contained shall be so construed as to subject the said Newark turnpike road, or avenue, to any tax, assessment, or imposition, other than shall be assented to by them under and by virtue of this act.

Approved February 28, 1849.

AN ACT to incorporate the Woodbury and Camden Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Woodbury and Camden Turnpike Company;" and that Robert K. Matlock, Benjamin C. Tatem, John B. Harrison, John R. Sickler, John Gaunt, Nathan T. Stratton, Charles F. Clark, John W. Hazleton, John Duell, Thomas H. Whitney, John W. Mickle, Charles Kaighn, and Abraham Browning, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books of subscription.

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

3. *And be it enacted*, That the affairs of said company shall be managed by a board of thirteen directors, a majority of whom shall be a quorum for the transaction of business, but Election of directors.

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

Election of president.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some other from their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year

shall exhibit to them a full and complete statement of the affairs of the company during their said term.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road on or near the present public highway leading from the village of Woodbury, in the county of Gloucester, by way of Westville, and passing by the road leading to Kaighn's Point, to some point within the corporate limits of the city of Camden, at least thirty-two feet in width; which said turnpike shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, to make a solid, firm, and even road, at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall construct, keep in repair, and maintain good and sufficient bridges, along the line of said road, not less than twenty-two feet in width; and whenever the said road, in passing over low ground, shall be raised so much at the margin, or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses from running off; and the said company may, by its officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, clay, or other material for improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road aforesaid, it shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other materials from his or her lands for the constructing or maintaining of said turnpike road.

Proceedings in case company and owners of land cannot agree.

7. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and workmen, and other person or persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches

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and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, clay, sand, earth, or other materials therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises, (except for the purpose of surveying said route) unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county where the said land or materials doth lie, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained; who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county in which said lands doth lie, to be by him filed as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and, for that purpose, to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum

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

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.
For every additional beast, one cent.
For every horse and rider, or led horse or mule, five mills.
For every dozen of calves, sheep, or hogs, five mills.
For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from

his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Milestones to be erected.

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

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of damages for the same, to be recovered by the said company, by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

12. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall

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

Proceedings in cases of complaint.

13. *And be it enacted*, That if the said company shall not keep the said road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas in the county wherein the highway or bridge is out of repair, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said judge may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road or bridge, so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavourable to the said turnpike road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same, until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and, the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said turnpike road, or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed, or a majority of

them, shall be in favour of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable freeholders, in the township or townships who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Road may be declared free on payment of cost.

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

Statement of cost to be filed.

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

Dividends to be made.

16. *And be it enacted*, That the said company may, from time to time, make and declare such dividends from the tolls as they may think proper; and it shall and may be lawful for said company to construct, in the manner herein before directed, branches on the highways leading from Gloucester and Kaighn's Point ferries to the road aforesaid; and when so constructed, the said company may collect tolls thereon, as herein before directed, but shall be subject to all the aforesaid conditions, limitations, and restrictions.

Powers and restrictions.

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

When act to take effect.

18. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike is authorized to be located and made, are vacated as public highways according to law; and in the event of such vacation as aforesaid, the boards of chosen freeholders of the said counties of Gloucester and Camden shall determine upon what terms and conditions the bridges upon said roads, now belonging to said counties, shall be disposed of to the said company hereby incorporated; and in case the said company and the

said boards of chosen freeholders, respectively, cannot agree upon the amount proper to be paid for said bridges, then in that case the damages shall be assessed in like manner, and subject to the same exactions and restrictions, as is provided for in the seventh section of this act, in relation to other damages therein specified.

Approved February 28, 1849.

AN ACT to incorporate the Pavonia Ferry Company, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Tonnele, Edward Coles, Charles G. Sisson, Stephen Garretson, Cornelius V. Traphagen, Robert Dod, Erastus Randall, Samuel Westcott, and John Griffith, and their associates, and all other persons who shall become stockholders to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby constituted and made a body politic and corporate, by the name and style of "the Pavonia Ferry Company;" and the office of said company shall be located at Pavonia, in the township of Van Vorst, county of Hudson, in this state. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall consist of one hundred thousand dollars, which may be increased to any sum not exceeding two hundred and fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, five dollars upon each share subscribed for, and the remainder to be paid at such time and place, and in such instalments, as the directors of said company may require, by giving four weeks' previous notice, in at least three newspapers published and circulating in this state; and every subscriber of any share or shares of said stock, who shall neglect to pay any such instalment within twenty days of the time mentioned in such notice, shall, in the discretion of the directors, forfeit the same to the said company, and all previous payments made thereon. Amount of capital stock.

3. *And be it enacted*, That the stock, property, and affairs of said company shall be managed and conducted by nine directors, all of whom shall be citizens of this state; and the said Annual election of directors.

John Tonnele, Edward Coles, Charles G. Sisson, Stephen Garretson, Cornelius V. Traphagen, Robert Dod, Erastus Randall, Samuel Westcott, and John Griffith are hereby appointed the first directors, who shall serve for one year and until others shall be chosen; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passing of this act, and appoint one of their number president of said company, who shall serve for one year and until his successor shall be chosen; and should a vacancy occur, by death or otherwise, in the said board of directors, or in any subsequent board, the remaining directors, or a majority of them, may appoint a director to fill such vacancy; *provided always*, that no person shall be a director who is not a stockholder; the annual election for directors shall be held on the first Tuesday of April in each year, at such time and place, in said Pavonia, as a majority of the directors shall appoint, giving the notice as directed in the second section of this act; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies, allowing one vote for each share of the said stock; *provided*, no stockholder shall be entitled to more than twenty votes, however many shares he or she may own.

When company may commence business.

4. *And be it enacted*, That the above named directors, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company; and as soon as fifty thousand dollars of said stock is subscribed for, and the sum of ten thousand dollars paid thereon, provided the same be paid within three years after the passage of this act, it shall be lawful for the said company to commence their said business.

Company may construct docks, piers, &c.

5. *And be it enacted*, That the said company shall have power to establish and conduct a ferry across the Hudson river, between the said Pavonia, in the township of Van Vorst, and county of Hudson, and the city and county of New York, from such point or place in Pavonia aforesaid, to such place or places in the said city of New York, as they may deem best for the public accommodation and the interest of said company; and for that purpose they may purchase or lease any real estate as may be necessary for the use of said ferry, and erect and construct all such wharves, piers, slips, buildings, and other appendages as may be necessary to carry into effect the purposes of this act, and hire, purchase, or build steamboats, vessels, or other ferry boats, of such descriptions and dimensions as they may think proper; and it shall be the duty of said company to keep a steamboat or boats running across said river throughout the year, for the accommodation of the public, except when the navigation thereof is impracticable or

dangerous; *provided*, that the said company, in making their docks, wharves, piers, or other improvements, shall not occupy, in the waters of the Hudson river or Harsimus cove, any greater space in width than they shall be the owners of land on the shore, or have lawful title by lease, or otherwise, to occupy; *and provided further*, that if the said company, in locating their wharves, piers, or docks, shall pass over or across the tract of land claimed under Nathaniel Budd, deceased, they shall construct the pier or avenue from the upland to the bulkhead or ferry landing in a direct and continuous line with some one of the streets laid down on the map of Harsimus, Pavonia, and Hoboken, made by Douglass and Bacot, and of the same width with such street, until the same passes the easterly line of said tract; and that, after passing said easterly line, it shall be lawful for said company to occupy, in breadth or width of the land covered with water, four hundred and eighty feet, and no more; and that so much of said pier, wharf, or avenue as passes over the tract of land aforesaid, shall be taken and deemed to be a public highway, and liable to be regulated, worked, and used as such; *and provided also*, that nothing in this act shall in any wise interfere with or impair any legal rights or privileges, if any, heretofore granted by the state of New Jersey.

Rates of toll.

6. *And be it enacted*, That it shall and may be lawful for the said company to ask, demand, recover, and receive, for ferrying across said Hudson river, not exceeding the following rates of ferriage, viz:

For each passenger, three cents.

For every four wheel carriage drawn by four horses, thirty-seven and a half cents.

For every four wheel carriage drawn by two horses, twenty-five cents.

For every two wheel carriage drawn by two horses, twenty cents.

For every four wheel carriage drawn by one horse, eighteen and three-quarter cents.

For every two wheel carriage drawn by one horse, fifteen cents.

For market carriages, with their drivers, going to or returning from market, with four wheels drawn by two horses, and loaded, twenty-five cents.

For market carriages, with their drivers, going to or returning from market, with four wheels drawn by two horses, and empty, eighteen and three-quarter cents.

For market carriages, with their drivers, going to or returning from market, with four wheels drawn by one horse, loaded or empty, twelve and a half cents.

For all passengers in carriages, except the drivers thereof, three cents each.

For carriages of burthen, including charcoal wagons, tin wagons, and pedler's wagons, with their drivers, drawn by two horses, loaded, twenty-five cents each.

For carriages of burthen, including charcoal wagons, tin wagons, and pedler's wagons, with their drivers, drawn by two horses, unloaded, eighteen and three-quarter cents each.

For carriages of burthen, including charcoal wagons, tin wagons, and pedler's wagons, with their drivers, drawn by one horse, loaded or empty, twelve and a half cents each.

For hay, straw, hemp, flax, and other bulky articles, thirty-seven and a half cents the two horse load.

For carriages calculated to convey hay, straw, hemp, flax, and other bulky articles, two horses, unloaded, twenty cents each.

For carriages calculated to convey hay, straw, hemp, flax, and other bulky articles, one horse load, twenty cents each.

For carriages calculated to convey hay, straw, hemp, flax, and other bulky articles, one horse, unloaded, twelve and a half cents each.

For burthen or other carriages drawn by oxen or mules, to be rated the same as if drawn by horses.

For each additional horse, ox, or mule, six cents.

For marketing, a barrel to be rated equal to two bushel baskets, and tubs, chests, and scow baskets rated according to the number of bushels they contain, for each bushel, two cents.

All articles having contained marketing to return free if empty, otherwise to pay the usual rates.

For a two horse load, with or without the carriage, not otherwise rated, twenty cents.

For a barrel of salt, plaster, flour, sugar, liquor, &c., four cents each.

For a hogshead of liquor, sugar, molasses, &c., fifteen cents each.

For lime, per hogshead, ten cents.

For stoves of cast iron, of six or more plates, six cents each.

For salt, plaster, grain, clover, and other grass seeds, per bushel, two cents.

For flour, beef, pork, iron, &c., per hundred weight, three cents.

For coffee, per bag, chest, large trunk, &c., three cents each.

For soap, candles, glass, chocolate, &c., per box, two cents.

For chairs, per dozen, and for bureaus, bedsteads, clock cases, six cents each.

For lumber, per hundred feet, six cents.

For live calves and fat hogs, per head, three cents.
For sheep and store hogs, per head, two cents.
For fat cattle, per head, twelve and a half cents.
For a cow and calf, twelve and a half cents.
For store cattle, horses, and mules, nine cents.
For a saddle horse and rider, nine cents.
For a sideboard, desk, or secretary, ten cents each.
For a table, stand, feather bed, mattress, large chest of tea, three cents each.
For a crate or tierce of earthen ware, or hamper of bottles, twelve and a half cents each.
For fresh shad per hundred, or herring per thousand, twenty cents.
And all animals and things not herein enumerated shall be charged proportionably to the foregoing rates.

7. *And be it enacted*, That five directors shall be a quorum for the transaction of business; the president shall preside at all meetings of the directors, except in cases of his sickness or absence, when any other of the directors present may be chosen president pro tempore. Quorum.

8. *And be it enacted*, That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear advisable, and said dividends shall be paid to the stockholders, or their representatives, but no dividends shall at any time be made of any part of the capital stock of said company; 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 present a full and complete statement of the affairs of the said company during the past year. Dividends may be made

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of the said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, to be recovered, with costs, in an action of debt, in any court of competent jurisdiction, and shall also be liable to pay double the amount of the damage sustained thereby, to be recovered, with costs, in any court of competent jurisdiction, by action of trespass or other proper form of action. Penalty for injuring works.

10. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall go into effect immediately after the passage thereof, and continue in force thirty years; and the said corporation shall possess the general powers, and be Limitation.

subject the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When act to take effect.

11. *And be it enacted*, That if this company shall not go into operation, and be prepared to accommodate the public according to the provisions of their charter, within the period of five years from the passage of this act, that then and in that case this act shall be void and of none effect.

Approved February 28, 1849.

AN ACT to incorporate the Camden, Ellisburgh, and Marlton Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Camden, Ellisburgh, and Marlton Turnpike Company shall be opened by Thomas Evans, Ezra Evans, Amos Evans, Joseph H. Coles, Charles Knight, Edward Browning, and Jacob Troth, or any four of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be thirty thousand dollars, with liberty of the said company to increase the same to sixty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when six hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Camden, Ellisburgh, and Marlton Turnpike Company;" and, by that name, shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Shares forfeited for nonpayment of instalments.

3. *And be it enacted*, That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid

in instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionment.

Act void if shares not taken in certain time.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within three years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in by the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Annual election of directors.

5. *And be it enacted*, That when six hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Powers and duties of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a

citizen of this state, and a resident of the county of Camden or Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the said stockholders; or in case of his death, absence, or inability so to do, the said directors shall appoint, some other suitable person, who for the time being shall possess the same power and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state, and resident in the county of Burlington or Camden, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think proper and expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement to be made.

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

Special meetings.

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

10. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election. Corporation not dissolved for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, four rods wide, from the village of Marlton, in the county of Burlington, through the village of Ellisburgh, in the county of Camden, to the truss bridge over Cooper's creek, in the county of Camden; which turnpike road shall be constructed and made on and along the main public highway leading from the village of Marlton, through Ellisburgh, to the truss bridge; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter, from time to time and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials, for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the said highway aforesaid, they shall pay to the respective owners of the lands over which the said highway now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of such owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of the stone, gravel, or other material from his or her lands, for the constructing or maintaining of said turnpike road. Company authorized to construct road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as nearly as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, along the line of said road, not less than twenty feet in breadth; and whenever the said Description of road.

road, in passing over low ground, shall be raised so much at the margin, or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners of land cannot agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof; and to make all ditches and underdrains across and through such lands, as may be necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom, suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington or of the county of Camden, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or, if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report, ac-

cording to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by the company for such land or materials, and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding four in number, and to demand and receive toll for travelling each mile, and all fractions over a half of a mile, of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep, or hogs, five mills.

For every dozen of horses, mules, or cattle, two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they

shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States; *provided always*, that as soon as the said company shall have constructed that part of the said road between Marlton and Ellisburgh, or between Ellisburgh and the truss bridge, or between Ellisburgh and a turnpike road which may hereafter be built between Moorestown and Camden, in a workmanlike manner, according to the several directions of the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across that part of the said road so built as aforesaid, not exceeding three in number, and to demand and receive toll for travelling each mile of said road, so constructed, not exceeding the rates, and subject to the provisions and exceptions herein before mentioned.

Toll not to be charged on certain parts of road.

15. *And be it enacted*, That if at any time hereafter a turnpike road shall be constructed and completed from the village of Moorestown, in the county of Burlington, by a company which may be chartered by the legislature, which said road shall intersect the Camden, Ellisburgh, and Marlton turnpike road, that then and from thenceforth, and so long as the said turnpike roads shall continue to exist and be used as turnpike roads, it shall not be lawful for the Camden, Ellisburgh, and Marlton Turnpike Company to erect, or cause to be erected, or to keep up, any gate for the collection of toll which may have been before that time erected by said company between the junction of said roads and truss bridge; but that all persons, with their wagons, carts, and other carriages, and horses, cattle, and other beasts, that shall come upon the said Camden, Ellisburgh, and Marlton turnpike road from the Moorestown turnpike road, shall be permitted to travel and pass over that part of the said Camden, Ellisburgh, and Marlton turnpike road free and clear of all charges and tolls whatsoever to the said the Camden, Ellisburgh, and Marlton Turnpike Company; *provided always*, that the company which shall construct the said Moorestown turnpike road, as soon as the same shall be completed and ready for use, shall pay to the said Camden, Ellisburgh, and Marlton Turnpike Company

fifty-five per cent. of the original cost of the construction of that part of the Camden, Ellisburgh, and Marlton turnpike road between the junction of the aforesaid roads and truss bridge; and shall also, from time to time and at all times hereafter, whenever the same shall be required, pay to the said Camden, Ellisburgh, and Marlton Turnpike Company sixty per cent. of the actual cost of keeping the aforesaid part of their said road in repair; *and provided also*, that nothing in this act contained shall be so construed as to prevent the said turnpike company from charging and receiving toll at the rates above mentioned for the whole distance travelled over their said road, from all other persons who may pass over the same.

Milestones to be erected.

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

Penalty for injuring works.

17. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

18. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller, passing at any of the gates or turnpikes, or shall receive more toll than is by this act

established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

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

Proceedings on complaint made.

20. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county where that part of the road so out of repair shall lie, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same, until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as

aforesaid, their opinion to the said justice, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed shall be in favour of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

When act to take effect.

21. *And be it enacted*, That this act shall not take effect until the public highway upon which the said turnpike is authorized to be located and made, is vacated as a public highway according to law; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 28, 1849.

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

Powers of mayor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the said city be, and hereby is invested with all the powers which any police magistrate of said city now has or may hereafter be invested with; and that the said mayor have the power, on witnessing any breach of the peace, forthwith to commit the offender, without the issuing of any warrant or process; and that, for the purpose of quelling any riot, insurrection, or other disturbance, the said mayor shall have the control of the marshals, constables, and watchmen of the said city, and the power to call upon the citizens for aid in all cases of riot or disturbance in said city, and assistance therein; and that in case of the death, absence, or disability of the mayor, the duties of the mayor

shall for the time being devolve upon and be performed by the person who shall at the time be the president of the common council of said city.

Powers and duties of police magistrates.

2. *And be it enacted*, That each and every of the police magistrates of said city be, and they are hereby empowered, on the oath, affirmation, or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process, either in the nature of a summons or of a warrant, as to the said magistrate may seem most advisable, against the person or persons so violating such ordinance; which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that, on the return of such process, or at the time to which the magistrate shall have adjourned the same, the said magistrate shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the magistrate shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and person, of the defendant or defendants; *provided*, that nothing herein contained shall deprive either the plaintiff or defendant or defendants of the right to appeal from the judgment of said magistrate, as heretofore; *and provided also*, that nothing herein contained shall prevent the ordinances of said city from being enforced in the same manner as heretofore; and that it shall be lawful for the common council of said city to create, by ordinance, and elect such number of marshals for the city, as they from time to time may deem proper; and that the present marshal, and all marshals hereafter appointed as aforesaid, shall be invested with the powers now given to the marshals of the city, and, in addition thereto, shall have all the powers of constables within the city limits, for the purposes of preserving the peace and enforcing the ordinances of the city.

Removal of wooden buildings, in certain parts of city, prohibited.

3. *And be it enacted*, That it shall be lawful for the common council, by ordinance, to prohibit the removal of any wooden building into or within such parts of the said city, as the said common council shall by such ordinance designate.

Provisions of former act extended.

4. *And be it enacted*, That the third section of the act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," passed February tenth, eighteen hundred and forty-seven, be, and the same is hereby extended to apply to the levelling, grading, paving, flagging, curbing,

or gravelling of the sidewalks in front of any lot in the city of Newark, where the same is or shall be required by ordinance to be levelled, graded, paved, flagged, curbed, or gravelled, whether such lot may or may not have any building erected thereon.

Proceedings in cases of opening streets, &c.

5. *And be it enacted*, That the said common council shall or may, whenever they deem it expedient, cause surveys to be made, and the same to be filed in the clerk's office of the county of Essex, and recorded in the book of records of roads and highways for said county, of all such roads, streets, alleys, and public passage ways, as they shall think proper, which heretofore have been, or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which has been by such owner or owners dedicated to the public, by permitting the public to use the same, and by selling lots fronting thereon; and all such streets, roads, alleys, and ways, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained, and treated as such, in all respects; and that it shall be lawful for the common council to assess the expense of grading and improving such roads, streets, alleys, and public passage ways, so as aforesaid taken to be public streets or highways, on the owners of property on said street benefited thereby; and the expense of such grading and improving, certified and sworn to by the street commissioner, and filed in the office of the city treasurer, shall fix and determine the amount of such expense; and to provide for the payment of the expense of such grading and improving, the common council shall cause a just and equitable assessment thereof to be made among the owners of property in said street benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire; and for this purpose the common council shall appoint commissioners in the same manner, and who shall have the same qualifications, and proceed in the same manner as is provided in the thirty-fourth section of the act entitled, "An act to incorporate the city of Newark;" and the amount of the several assessments so made shall be recovered in the same manner, and have the same effect, as is provided for the payment of the damages assessed for the laying out and opening of streets, in the thirty-fourth, thirty-fifth, and thirty-sixth sections of the act last aforesaid.

Assessment of damages.

6. *And be it enacted*, That whereas doubts have arisen whether such persons as have had or shall have damages assessed to them, under the act entitled, "An act to incorporate the city of Newark," for the laying out, altering, or widening any street, road, highway, or alley in said city, could lawfully be assessed for the payment of any part of the damages and

expenses of laying out, altering, or widening of such street, road, highway, or alley, even although the advantages accruing to the property of the person or persons to whom such assessment of the damages had been made from such street, road, highway, or alleys should exceed the amount of such damages, the commissioners appointed to assess the whole amount of the damages and expenses of laying out, altering, or widening such street, road, highway, or alley among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion to the advantages each shall be deemed to acquire, are hereby authorized, whenever any of such owners and occupants of houses and lots, as aforesaid, is or are benefited to a greater extent than the amount of damages assessed to him, her, or them, to assess such benefit or advantage against such owner or occupant, for the purpose of paying the damages and expenses aforesaid; and it is further enacted, that the same persons who hereafter shall be appointed under the thirtieth section of the act entitled, "An act to incorporate the city of Newark," to make an assessment of damages, as therein specified, shall discharge the duties of the commissioners provided for in the thirty-fourth section of the act last aforesaid; and in case of the death or disability of one or more of the said commissioners, it shall be lawful for the common council to supply, by appointment, the place so vacated by such death or disability.

Assessment for paving, &c.

7. *And be it enacted*, That it shall be lawful for the common council, on the application of three-fourths of the owners of property in any street, or section of a street, to order the said street, or section of the street, to be graded, gravelled, paved, flagged, or planked, either in whole or in part, in such manner as they shall deem most advisable, under the supervision and direction of the street commissioner, and to assess the expenses of the same, or such part thereof as the common council may direct, among the owners of property in said street or section of a street; and the expense of the said grading, gravelling, paving, flagging, or planking in front of each lot, shall be certified and sworn to by the street commissioner, and filed in the office of the city treasurer, and shall be and remain a lien upon the property in front of which the said work has been done, until the same shall be paid; and it shall be lawful for the said common council to enforce the payment of the said expense, in the same manner that is provided for the payment of the expense of sidewalks in the third section of the act entitled, "A supplement to the act entitled, an act to incorporate the city of Newark," passed February tenth, eighteen hundred and forty-seven, and as provided for in the fourth section of this act; and that after the said grading, gravelling,

paving, flagging, or planking is once effected, then the city shall take charge of and keep the same in repair, without further assessment.

Wards may be divided into election districts.

8. *And be it enacted*, That in view of the rapidly increasing population of the city of Newark, it shall be lawful for the common council, by ordinance, to divide the wards of the said city, or such of the said wards as it may be deemed advisable so to divide, into election districts, in each of which districts there shall be a poll; and the manner of holding elections in said districts shall be subject to all the provisions now applicable in that behalf to the several wards of the said city; and that there shall be elected, at the annual election for charter officers for said city, a judge and two inspectors of election, and a clerk for each ward or election district, who shall possess the powers and discharge the duties which now are or may hereafter be conferred upon, or required of the judges and inspectors of election and clerks of the several townships of this state; and also, all the duties required to be performed by such officers by an act entitled, "An act to incorporate the city of Newark," and the several supplements thereto; that, in case of the death, absence, or disability of any of the clerks of the respective wards or election districts of the city of Newark, it shall be lawful for the clerk of the city, and in case of his death, absence, or disability, for the clerk of the common council of said city, to give such notice of the several elections, as it is or may hereafter be the duty of the clerk of the wards of the said city to give; and it shall be lawful for the common council of the city of Newark to appoint, annually, a collector of arrears of taxes for each ward of said city; which collectors, so appointed, shall, respectively, be invested with all the powers, and be subject to all the liabilities which appertain to the collector of arrears of taxes of the city of Newark, as now constituted; and that the justices of the peace to whom any list of delinquents shall be returned, according to the provisions of an act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," passed the fourth day of March, eighteen hundred and forty-one, shall issue his warrant directed to the collector of arrears of taxes of the ward from which such list of delinquents shall have been returned.

Sewers or drains authorized to be made.

9. *And be it enacted*, That it shall and may be lawful for the common council of the said city to order and cause sewers or drains to be made and kept in repair, in such part of the city as the common council shall think necessary; and that the whole expense thereof shall be ascertained and fixed by the certificate and oath of the street commissioner, to be filed in the office of the city treasurer; which amount, together with

such damages as are required to be paid by the act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," passed February twenty-eighth, eighteen hundred and thirty-eight, shall be assessed, either in whole or in part, upon the owners of property benefited thereby; and in case a part only of such amount aforesaid shall be assessed upon such owners of property, then the balance of the whole amount of such expense and damages shall be assessed upon the said city; the aforesaid assessment of the amount of such expense and damages shall be made upon the parties aforesaid, by and according to the discretion of five commissioners, to be appointed in the same manner, and who shall act under like restrictions, and provisions, as the commissioners appointed under the thirty-fourth section of the charter, for the purpose of making an assessment among property owners of the damages and expenses of opening streets; and the amount so assessed shall be and remain a lien upon the property on which such assessment is made until the same is paid; and it shall be lawful for the said common council to enforce the payment of the said expenses and damages, in the same manner that is provided for the payment of the expenses of sidewalks in the third section of the act entitled, "A supplement to the act entitled, an act to incorporate the city of Newark," passed February tenth, eighteen hundred and forty-seven, and as is provided for in the fourth section of this act.

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

Approved February 28, 1849.

AN ACT for the relief of Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves, of the county Salem.

Preamble. WHEREAS it is represented that Stephen Reeves, late of the county of Salem, deceased, in and by his last will and testament, dated the eighteenth day of July, eighteen hundred and forty-two, duly executed to pass real estate, did, among other things, give and devise as follows, to wit: "Item. I give and devise unto my three sons, Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves, all the following described property, tracts, or pieces of land, as follows, viz: All my tract called the Mill tract, with the mills, houses, buildings, waters, waterways, and improvements,

containing one hundred and twenty acres, more or less. Also, the Vickery lot, containing thirty-three acres, more or less, with the sawmill, houses, barns, buildings, waters, watercourses, and improvements thereon. Also, a lot called the Gibbs lot, containing thirty-six acres and three-quarters, more or less. Also, the Gallaher lot, containing sixteen and a quarter acres. Also, the privilege of water right and flowing that I purchased of William Reeves. Also, one hundred and twenty acres of land, I bought of Julia Latrobe, in two lots. Also, my tavern house and lot in Allowaystown, with all the buildings and improvements thereon. Also, my glass house tract, that I bought at sheriff's sale as the property of James Curry. Also, my lot that I bought of John Groff, containing about twenty-five acres. Also, three lots that I purchased of James Ray, on the Agnew tract, and joining on the glass house tract, containing nine and a half acres. All of which said lots and tracts of land, buildings, mills, waters, improvements, hereditaments, and appurtenances, herein given and devised to my said sons, Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves, I do devise and give to them, as tenants in common, during their natural lives, which, after the death of either of them, the said share of the said deceased son to go to their lawful issue; and if any of my said sons shall die without leaving lawful issue, then their share to go to the survivors of the said three; or if any of them have deceased, their lawful issue to have the share that would have gone to their father, if living." And whereas it is also represented, that application has been made to a justice of the supreme court of this state for a division of the said lands among the said devisees, under the act entitled, "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," and that such application was refused by such justice, on the ground of the peculiar character of the above devise; and whereas great and manifest inconvenience arises to the said devisees from holding this large and valuable estate jointly, and they are unable to obtain a division of the same beyond their own lives, without legislative aid in the premises—therefore,

Commissioners to divide lands.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That John H. Lambert, Thomas Jones Yorke, and William F. Reeves, of the county of Salem, be, and they are hereby appointed commissioners to divide the lands and real estate devised in and by the last will and testament of Stephen Reeves, deceased, dated the eighteenth day of July, eighteen hundred and forty-two, to Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves, into three equal parts or shares.

Proceedings of commissioners.

2. *And be it enacted*, That the proceedings of said commissioners, in making such division, shall be in all respects conformable, as nearly as practicable, with the proceedings of commissioners appointed to make a division by a justice of the supreme court, or judge of any circuit court, or court of common pleas, under and by virtue of the act entitled, "An act for the more easy partition of land held by coparceners, joint tenants, and tenants in common."

Allotment.

3. *And be it enacted*, That one part or share of the said lands and real estate shall, by the said commissioners, be allotted to Enos P. Reeves and his lawful issue; another part or share thereof shall, by said commissioners, be allotted to Jacob P. Reeves and his lawful issue; and the other part or share thereof shall, by the said commissioners, be allotted to the said Josiah H. Reeves and his lawful issue.

Proceedings of commissioners to be recorded.

4. *And be it enacted*, That the said commissioners shall transmit a certified copy of this act, and their oath or affirmation of office, and the map and field book, together with their certificate of allotment, and also their accounts, to one of the judges of the court of common pleas of the county of Salem, who, after inspecting the same, shall order the said instruments, except the account of expenses, to be recorded in the clerk's office of the county of Salem, which shall be good evidence of such partition, and conclusive to all parties and privies concerned.

Fees of judge

5. *And be it enacted*, That such judge shall be entitled to the same fees, and shall ascertain the expense of such partition, and divide the same, and enforce the payment thereof, in the same manner as are given and directed in and by the eighth and ninth sections of the act above mentioned.

Shares vested in devisees.

6. *And be it enacted*, That the said partition shall be valid and effectual in law to divide and separate the said lands; and the part or share allotted to the said Enos P. Reeves shall be vested in him for and during the term of his natural life; and the part or share allotted to the said Jacob P. Reeves shall be vested in him for and during the term of his natural life; and the part or share allotted to the said Josiah H. Reeves shall be vested in him for and during the term of his natural life.

Disposition of property after death of devisees.

7. *And be it enacted*, That the shares of said lands and premises allotted, under the authority of this act, to the said Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves shall, upon their respective deaths, go to, and be vested in the same person or persons, and in the same manner, and to the same effect, as the undivided shares and interest of the said Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves in and to said lands and premises would have gone to, and been vested in,

upon the death of said Enos P. Reeves, Jacob P. Reeves, and Josiah H. Reeves, respectively, if this act, and the partition thereby authorized, had not been made.

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

Approved February 28, 1849.

A supplement to an act entitled, "An act to incorporate the Red Bank Association and Ferry Company," approved February eleventh, eighteen hundred and forty-eight.

Preamble.

WHEREAS it is represented to the legislature, that the Red Bank Association and Ferry Company are the owners of a certain tract of land situate on the river Delaware, in the county of Gloucester, at Red Bank, containing sixty acres, more or less, being a part of "the old Reeves farm," so called, and embracing a river front of twenty-three hundred feet, the title for which is in Philip R. Howard and Joseph C. Harris, of the city of Philadelphia, who hold the same in trust for the use of the company; that it is desired by all the parties interested that a conveyance of the said land should be made by the said trustees to the said company, and that the whole tract is more than is necessary for the objects of their corporation; and also, that in the purchase of their said lands, the purchase and building of two large steamboats, and in various improvements to and upon their said lands, the company have already expended the whole amount of their capital stock, and, to complete the improvements necessary and convenient for their corporation, will require an additional amount of capital of one hundred thousand dollars, or the greater part thereof; and the said company have prayed the aid of the legislature in the premises—therefore,

Trustees authorized to convey tract of land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said the Red Bank Association and Ferry Company, in their corporate name, to receive from the said Philip R. Howard and Joseph C. Harris, trustees as aforesaid, a deed of conveyance for the said tract of land, containing sixty acres, above mentioned, and which is more particularly mentioned and described in the preamble to this bill, and, after appropri-

ating such parts thereof as may be required for the objects of their corporation, to sell and convey the residue thereof to such person or persons, and at such price or sums of money, as they may think proper.

Capital stock increased.

2. *And be it enacted*, That the capital stock of the said company shall be, and the same is hereby increased one hundred thousand dollars, to be divided into shares of fifty dollars each; which additional stock shall be allotted among the stockholders of said company ratably and in proportion to the number of shares held by them, respectively, notice of which allotment shall be given to the said stockholders, at least thirty days previous to the time for subscribing to said stock; and if the said stockholders, or any of them, shall neglect or refuse to receive the said stock, so allotted to them, the directors may then dispose of the same, in such manner as shall be most for the interest of the company; *provided*, that such stock shall not be sold at less than its par value.

Approved February 24, 1849.

AN ACT to authorize the embankment of meadows, swamp, and cripple, lying on the east branch of Stoe creek, in the counties of Salem and Cumberland.

Owners authorized to make embankments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of the meadows, swamp, and cripple lying on the east branch of Stoe creek, in the counties of Salem and Cumberland, (the said creek being the line between the said counties) be, and they are hereby authorized to make, erect, keep up, and maintain such bank or banks, dams, sluices, and other water works as may be necessary to prevent the tide from overflowing the said meadows, swamp, and cripple; and that the bank, to enclose the said meadows, swamp, and cripple, shall be thus located: to "begin at the lower or southeast corner of the farm, late William Plummer's, deceased, now Ephraim Carl's, and to run from thence, upon a direct line, or as near to it as circumstances will admit, and crossing the aforesaid easterly branch of Stoe creek, to the fast land of the farm of Daniel E. Hood, and there to end."

Provisions of former act to apply to owners, &c.

2. *And be it enacted*, That, in order to enable the owners and possessors to accomplish the said object, it is hereby di-

rected, that the said owners and possessors are hereby made subject to the law entitled, "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in, and held by different persons, to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight; and that all of the provisions of said act shall apply to the said owners and possessors, and all their proceedings shall be conformable to said act, in all respects.

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

Approved February 28, 1849.

AN ACT to incorporate the Town Hall Association of Bridgeton, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Merseilles, Gideon H. Leeds, Robert G. Brewster, Ephraim E. Sheppard, Horatio J. Mulford, David P. Elmer, George Ayres, Daniel Fithian, John T. Nixon, William H. Bodine, and Samuel Harris, and their associates and successors, be, and they are hereby incorporated and made a body corporate and politic, in fact and in law, by the name of "the Town Hall Association of Bridgeton," for the purpose of erecting and building a hall in the town of Bridgeton, and for the transaction of all such business as may be necessarily connected with the erecting, building, conducting, leasing, or otherwise disposing of such building; and they shall have power to raise, by subscription, a capital, not exceeding twenty-five thousand dollars, in shares of ten dollars each; and, by the same name, shall have power to purchase, have, take, receive, possess, and enjoy all such lands, tenements, property, goods, chattels, and effects, as may be required for the purposes of the said corporation, and the same to grant, bargain, sell, alien, convey, demise, mortgage, charge, encumber, and dispose of at their will and pleasure.

Names of corporators.

Style of incorporation and general powers.

2. *And be it enacted*, That the said corporation shall not go into operation until six hundred shares of the capital stock of said corporation shall be subscribed and paid, and an oath or affirmation thereof shall be made by some one of the associates named in the first section of this act, and filed in the office of the clerk of the county of Cumberland.

When company may go into operation.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed personal estate, and shall be transferable upon the books of said corporation; and no part of said stock shall be, at any time or under any pretence, withdrawn or refunded to the stockholders, until all debts and liabilities of the corporation are fully paid; and each stockholder, at all elections for managers or directors, shall be entitled to one vote for each share of capital stock held by such stockholder, which vote may be given in person or by proxy.

Commissioners to open books of subscription.

4. *And be it enacted*, That William S. Bowen, Hugh R. Merseilles, Gideon H. Leeds, Robert G. Brewster, Ephraim E. Sheppard, Horatio J. Mulford, David P. Elmer, George Ayres, Daniel Fithian, William H. Bodine, John T. Nixon, and Samuel Harris, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to six thousand dollars, the stockholders, having had two weeks' notice in writing, or in a newspaper published in the town of Bridgeton, in which said notice shall be specified the time, place, and object of the meeting, shall proceed to elect such directors and officers, and make such by-laws as they may deem necessary for conducting the affairs of the said corporation; *provided*, such by-laws shall not conflict with the laws of this state or of the United States; and such directors shall hold office until their successors shall be elected; and the remainder of the stock, if any, shall be disposed of by the directors of said corporation, as shall he provided for by the by-laws of said corporation.

Annual statement to be made.

5. *And be it enacted*, That in the month of May, annually, the directors shall submit to the stockholders of said corporation a written statement, under the oaths or affirmations of said directors, of the amount of capital stock paid in, the amount of all existing debts against the corporation, as well as the receipts and credits of said corporation; and no dividend shall be declared or paid to the stockholders, except from the net profits of the said corporation.

Limitation.

6. *And be it enacted*, That this act shall continue in force thirty years, unless sooner altered, amended, or repealed by the legislature of this state.

Approved February 28, 1849.

A supplement to an act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all companies incorporated under the laws of this state, whose charters do not designate their places of meeting, shall hold their business meetings, the meetings of their directors, and shall keep their office, and the books of the company, in the state of New Jersey; *provided*, that this act shall not apply to any corporations whose charters are not subject, by the terms thereof, to be altered, modified, or repealed, or to any incorporated steamboat companies, or to any ferry company, on the waters between this state and either of the adjoining states. Where offices to be held.

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

Approved February 28, 1849.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert B. Aertsen, Thomas J. Yorke, William J. Shinn, George C. Rumsey, Calvin Belden, George M. Ward, William Bassett, Samuel C. Harbert, Jonathan Ingham, John Tyler, Charles W. Hornblower, Charles P. Smith, Anthony Q. Keasby, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name of "the Salem County Mutual Fire Insurance Company," to be located at Salem, in this state; and in addition to the real estate which the said corporation is allowed to hold, they may hold all such real estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts. Names of corporators.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said association, shall, Annual election of directors.

while they so continue, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by thirteen directors, a majority of whom shall be residents of Salem county, to be chosen by ballot by and from among the members, and shall hold their offices for one year and until others are chosen; and that the election for directors shall be held on the third Monday of April, in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county of Salem, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; *provided*, that the persons named in the first section of this act shall be directors until others are chosen in their stead.

Surplus fund may be loaned.

3. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount insured, and to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Directors to choose president.

4. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and at every annual meeting of the directors in each year after, they shall choose from among themselves one person for president, who shall continue in office until the next annual meeting, and until another shall be appointed in his place.

Assessment to be made in case of loss.

5. *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 on such terms and conditions, and for such periods of time, and confined to such persons, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, and one per cent. on the principal sum

mentioned in each policy; which rates or assessments shall be approved of by a majority of the directors; and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, or his lawful representative, so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Meetings of directors, how called.

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

Limitation.

7. *And be it enacted*, That this act shall continue in force for the term of thirty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved February 28, 1849.

AN ACT to incorporate Hoboken Fire Company, Number one.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. W. Shippen, James P. Hatfield, William Husee, M. R. Demarest, J. W. Van Boskerck, D. I. Stagg, Charles L. Crisman, James McCulloch, G. Van Houten, John McCulloch, J. Schreve, William Mitchell, Charles Chamberlain, John Taylor, George Tuthill, William Brundage, John Mount, L. A. Van Boskerck, John M. Board, W. H. Gelston, James Cloyd, Thomas Mirkens, M. V. Banta, H. Katenkamp, Charles Duch, Henry Baulay, Thomas Fields, Charles Speiss, M. K. Crane, L. Tompins, P. Van Tassel, E. Zellick, T. Vandewerken, S. H. Jessup, Charles T. Perry, M. McCarty, William Browning, S. Carter, William Gossenburger, Thomas Clarke, James B. Demarest, F. Chamberlain, E. J. Tryon, John H. Grishelle, and all such other persons, not exceeding sixty-five, as are or shall become associates of Hoboken Fire Com-

pany, Number one, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "Hoboken Fire Company, Number one."

Annual election of trustees.

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

Property vested in trustees.

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

General powers of trustees.

4. *And be it enacted*, That the said company, by their trustees, shall have succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and they and their successors, respectively, may have and use a common seal, and have power to make, alter, and renew the same at pleasure; and, by their common seal, may make, enter into, and execute any contract or agreement touching and concerning the objects of said corporation; and the said trustees shall and may acquire and hold real estate, for the benefit of said corporation, necessary for the objects thereof; *provided*, the same shall not exceed in value the capital stock of said company.

Amount of capital stock.

5. *And be it enacted*, That the capital stock of said company shall not exceed the sum of four thousand dollars, which shall be solely and exclusively applied, by the said trustees, to the procuring, repairing, maintaining, and preserving the engines, engine houses, reservoirs of water, ladder, buckets, fire-hooks, and all necessary implements and machines, and to such other

incidental expenses as shall to the said trustees appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

First trustees.

6. *And be it enacted*, That John Van Boskerck, E. A. Stevens, D. M. Demarest, J. N. Brower, Hoyt Sanford, Philip Kipp, and G. W. Morton shall constitute the first board of trustees under this act, who shall respectively hold their offices until the second Monday in April next, and until others are chosen in their stead.

Vacancies, how supplied.

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

Members to elect officers.

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

Certificates of membership.

9. *And be it enacted*, That no person shall be considered a member of said company, until he shall have received a certificate of membership from said trustees; and upon the said trustees entering an order in their book of minutes annulling a certificate of any member, the person whose certificate is thus annulled shall be no longer considered a member of said company; no certificate shall be given, at any time, to honorary members.

Members exempted from jury and militia duty.

10. *And be it enacted*, That all persons, for and during the period of their actual membership in Hoboken Fire Company, Number one, shall be exempted from serving as jurors in the courts of Hudson county, and, also, from militia duty in time of peace.

Act may be amended.

11. *And be it enacted*, That this act shall take effect immediately, and the legislature may, at any time, alter, amend, or repeal this act, whenever the public good may require it.

Approved February 28, 1849.

AN ACT respecting public schools in the township of Salem, in the county of Salem.

Township authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxable inhabitants of the township of Salem, in the county of Salem, be, and they are hereby authorized to raise, at any annual town meeting hereafter held, such sums of money as they may think proper for the establishment and maintenance of public schools in said township; *provided always*, that such sums, so to be raised by virtue of this or any other law of this state, shall not, when added to the interest on the surplus fund received by said township, the state apportionment of the school fund, and the amount authorized to be raised in said township by the general school law of the state, amount to more, in all, than the sum of fifteen hundred dollars, annually; which money, ordered to be raised as aforesaid, shall be assessed, levied, and collected as other township taxes are assessed, levied, and collected; and the town superintendent of said township shall have full power to receive from the township collector, who is hereby authorized and required to pay to the said town superintendent all moneys raised according to the provisions of this act.

Annual election of trustees.

2. *And be it enacted*, That the inhabitants of the said township of Salem shall, at their annual town meetings, elect, in the manner that other township officers are elected, six trustees of public schools for the said township, being resident in said township, which said trustees shall arrange themselves by lot into three classes: one class to hold their offices for one year, one class for two years, and one class for three years; and afterwards two trustees shall be annually elected by said inhabitants, to hold their offices for three years; and in case of any vacancy, the same shall be filled by the election of a trustee, to hold for the unexpired term; *provided*, that the board of trustees may fill a vacancy, by electing a trustee to hold his office until the next annual town meeting after such vacancy occurs; which trustees, so elected, together with the town superintendent, shall have entire charge and control of the public schools within said township, and shall direct the expenditure of all moneys which shall come into the hands of the said town superintendent for common school purposes; and the said trustees shall exhibit to the inhabitants of the said township, at their annual town meetings, a full and correct statement of the sums of money by them received, and from whom, and how the same has been expended, the number of schools under their charge, and the number of scholars taught therein, and all their proceedings as trustees as aforesaid; and shall perform all

other acts and duties appertaining to the trustees of the school districts of this state.

3. *And be it enacted*, That the trustees to be elected by virtue of this act, and their successors in office, be, and are hereby constituted a body politic and corporate, by the name of "the Trustees of Public Schools for the township of Salem." Trustees incorporated.

4. *And be it enacted*, That the said trustees may, in their corporate name aforesaid, purchase and hold such real estate as may be necessary for the purpose of public school houses, not exceeding two acres, and may sell, exchange, or mortgage the same, as may be most for the public benefit, and may, from time to time, apply the money in the hands of the town superintendent, apportioned to said township, for the erection and maintenance of suitable school houses therein. Trustees may hold real estate.

5. *And be it enacted*, That the said trustees shall extend the benefits of the public schools under their direction, to such children, only, in said township as are between the ages of five and sixteen years, and may assess upon each scholar such sum of money, not exceeding one dollar per quarter, as may be found necessary; *provided*, that the said trustees may remit the whole or any part of such assessment upon any such scholar or scholars, as circumstances may, in their opinion, require. What children may attend school.

Approved February 28, 1849.

A further supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Trenton shall not have power to borrow any sum or sums of money hereafter, on the credit of the said city, unless the same shall be authorized by an ordinance of said city for some single object or work, to be distinctly specified therein; which ordinance shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability, within five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the inter- Common council not to borrow money, unless authorized by ordinance.

est thereon, are fully paid and discharged; and no such ordinance shall take effect until it shall, at an annual election, have been submitted to the people of said city, and have received the sanction of a majority of all the votes cast for and against it at such election; and all money to be raised by the authority of such ordinance shall be applied only to the specific object stated therein, and the payment of the debt thereby created.

Final passage of ordinances.

2. *And be it enacted*, That no ordinance shall be finally passed by the common council, until a subsequent meeting to that at which it may be introduced.

Part of former act repealed.

3. *And be it enacted*, That so much of the twenty-fifth section of the act to which this is a supplement, as is contrary to this act, be, and the same is hereby repealed.

Former supplement repealed.

4. *And be it enacted*, That an act entitled, "A further supplement to the act entitled, an act to incorporate the city of Trenton," passed March seventh, eighteen hundred and forty-four, be, and the same is hereby repealed.

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

Approved February 28, 1849.

AN ACT to set off from the township of Mansfield, in the county of Warren, a new township, to be called the township of Washington.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mansfield, in the county of Warren, lying southwesterly of the following line, to wit: beginning at a point on the southwest side of the public road running through the Van Nest Gap, near Oxford furnace, where the Mansfield and Oxford line crosses said road, and running nearly an easterly course across said township, along the southerly side of said road, the different courses, to the end thereof, in the public road leading from Easton to Taylor's mill, in front of the house of William Gardner; and from thence, a straight line, to the northeast end of the eight-square school house, on the Easton and Morris turnpike; thence, continuing on the same course till it strikes the Musconetcong river, the dividing line between the said township of Mansfield, in the county of Warren, and the township

of Lebanon, in the county of Hunterdon, and to end there, shall be, and the same is hereby set off from said township of Mansfield, and established as a separate township, to be called "the township of Washington."

Inhabitants incorporated.

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

First town meeting.

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

Board of election.

4. *And be it enacted*, That Henry Van Nest, George Creveling, and Samuel Shields shall constitute the board of election for said township, at the next annual town meeting after the passage of this act, with power to choose a clerk; and that thereafter the judge of election, assessor and collector for the time being, shall constitute a board of election for all future annual town meetings thereafter.

Voting to be by ballot.

5. *And be it enacted*, That the provisions of the law now in force, requiring the inhabitants of the township of Mansfield, in the county of Warren, to vote by ballot at their annual town meetings, shall apply to and be in force in the township of Washington, hereby created, except so much thereof as is inconsistent with this act.

Ballot box to be procured.

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

Town committee to divide property.

7. *And be it enacted*, That the town committees of the townships of Mansfield and Washington shall meet on the Monday next after the annual town meeting, at the house of James Doolittle, in the township of Washington, at the hour of ten o'clock in the forenoon, and then and there, by writing, signed by a majority of those present, allot and divide between the said townships all property and moneys on hand; and that the township of Washington shall be liable to pay their just proportion of the debts, if any there be; and their decision shall be final and conclusive.

Commissioners to survey line.

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

Act, when to take effect.

9. *And be it enacted*, That the eighth section of this act shall go into effect immediately after the passage thereof, and that the remaining sections shall go into effect on the second Monday in April next.

Approved February 28, 1849.

AN ACT to authorize the inhabitants of school district number four, in the township of Millville, in the county of Cumberland, to raise money to build school houses and for the support of public schools.

School district authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of school district number four, in the township of Millville, included within the following boundaries, viz: beginning at the little mill, and running the south line of school district number two, to the old Cape road; thence, down said road, to the road leading from Cumberland to Millville; thence, by Elias Wilson's, to Pea Landing; thence, across the river, to Silver run; thence, down Maurice river, to John Rose's; thence on a straight line from said river to the township line; thence, up said line, to the road leading from Millville to the Beaver dam; thence, along said road, to the place of the late Daniel Loder; thence, on a straight line, to the place of beginning, shall be, and the same

are hereby authorized to raise money for the purposes and in the manner herein after prescribed.

Time and mode of annual election of trustees.

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

Trustees incorporated.

3. *And be it enacted*, That the trustees herein after elected in the said school district, in pursuance of this act, and their successors in office, shall be, and are hereby constituted a body politic and corporate, by the name of "the Trustees of the Fourth School District of the township of Millville;" and the said trustees may, in their corporate name aforesaid, purchase and hold such real estate as may be necessary for the purpose of public school houses, not exceeding two acres, and may sell, exchange, or mortgage the same, as may be most for the public benefit; and may, from time to time, apply the money in the hands of the town superintendent, apportioned to said district, for the erection and repair of suitable school houses, and for the support of public schools therein.

Trustees to employ teachers.

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

Money to be raised by tax.

5. *And be it enacted*, That the legal voters of the said school district shall, on the first Monday of April as aforesaid, when met for the election of trustees, ascertain, by a plurality of votes, how much money shall be raised by taxation, within the said district, for school purposes; *provided*, that such

amount shall in no case exceed the sum of two thousand dollars annually; and it shall be the duty of the school trustees, elected as aforesaid, or a majority of them, to certify to the assessor of the township of Millville the sum voted by the said district to be raised; and the said assessor shall assess, on the estates of the inhabitants of the said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, all moneys voted to be raised by the legal voters of said school district for the purposes aforesaid, which said assessments shall be levied and collected in the same manner that other township taxes are levied and collected.

Collector to pay over money received.

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

Trustees to give written order for money.

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

Collector and superintendent to give bond.

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

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

Approved February 28, 1849.

AN ACT to encourage the establishment of mutual loan and building associations.

Preamble. Whereas the establishment of associations for the purpose of assisting the members to purchase lots, and erect dwelling houses thereon, or to pay for houses and lots already purchased, by furnishing them with loans out of the funds of the association, to be repaid in some easy and convenient mode mutually agreed on, or by the redemption of shares upon equitable terms, have been found to be highly beneficial, enabling persons of limited means to acquire comfortable homes for themselves and families, without the necessity of taking any large amount from their business or earnings; and whereas it is desirable to furnish every facility for the establishment and good management of such institutions—therefore,

Mode of incorporating associations. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons, not less than ten in number, who shall sign a certificate, setting forth that they have formed an association, under the provisions of this act, for the purpose of assisting those who then are or may thereafter become members, in the purchase of lots, and building thereon dwelling houses, or in paying for houses and lots which they may have already purchased, and the name adopted for such association, and the city, borough, or township where it is to be located, and its business transacted, and shall cause the same to be delivered to the clerk of the court of common pleas of the county which embraces the place of its location, shall thereupon be a body corporate and politic in law, with all the powers mentioned in the first section of the act entitled, "An act concerning corporations," approved the fourteenth day of February, A. D. one thousand eight hundred and forty-six.

Certificate to be recorded. 2. *And be it enacted*, That the said clerk shall immediately file said certificate, and record the same in a book to be kept for that purpose, for which he shall be entitled to receive the sum of twenty-five cents.

Guardians, &c., may hold shares. 3. *And be it enacted*, That parents or guardians may take and hold shares in such associations in behalf of their minor children or wards, and trustees in behalf of married women, and may act in such association in behalf of those they represent.

Association may make constitution. 4. *And be it enacted*, That every association may adopt such form of constitution as to them shall seem right and proper, and may alter and amend the same, from time to time, in

the manner therein provided; they may also make penalties for breaches of the constitution, not exceeding ten dollars; but nothing in said constitution or the by-laws shall be repugnant to the constitution of this state or the United States.

Investments, how made.

5. *And be it enacted*, That the investments of every such association shall be made either in loans to, or in redemption of the shares of, or in purchasing lots and erecting dwellings for the members, or in all of said modes, as the constitution of the particular association shall provide; and that no premium given for priority of loan or acquisition of a building, or discount given on the redemption of shares, shall be deemed to be usurious.

6. *And be it enacted*, That all matters not herein provided for, shall be regulated by the constitution and by-laws of said associations, respectively.

Act may be amended &c.

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

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

Approved February 28, 1849.

AN ACT to carry into effect the last will and testament of John Thompson, late of the county of Salem, deceased.

Preamble.

WHEREAS John Thompson, late of the county of Salem, deceased, in and by his last will and testament, duly executed to pass real estate, and dated the sixteenth day of the first month (January), A. D. eighteen hundred and twenty-four, did, among other things, give and devise as follows: "I also give and bequeath unto my wife (Mary Thompson) the house and lot in which I now live, in the town of Salem, with its appurtenances; and also, the house and lot adjoining the above, now in the tenure of Isaac Smart, the rents, issues, and profits thereof, for and during her natural life." "Third, after the decease of my beloved wife, Mary Thompson, I give and bequeath to my executors, and the survivors of them, hereafter named, in trust, the above two mentioned houses and lots, with their appurtenances, the annual rents, issues, and profits thereof, for the use and benefit of my daughter, Rebecca Smart, during her natural

life, and that the same be paid into her hands annually, by them, or either of them, or to her order only; my will and intent being that the said annual rents, issues, and profits shall not be made liable for the debts or other contracts of her husband, Isaac Smart, nor that the same shall be made payable to, or liable to his order, in any manner whatsoever." "Fourth, after the decease of my said daughter, Rebecca Smart, my will is that the above two houses and lots be sold by my said executors, or the survivor of them, and the money so arising from the sale thereof, be equally divided between Ann Smart, Deborah Smart, Hannah Smart, Isaac Smart, William Smart, Rebecca Smart, and Ruth Smart, the children of the said Rebecca Smart, or the survivors of them, at the time of her decease:" and did appoint his son, John Thompson, and John G. Mason executors of his said last will and testament, who, on the tenth day of January, A. D. eighteen hundred and twenty-five, duly proved the same, and took upon themselves the burthen of the execution thereof. And whereas it is further represented, that the said Mary Thompson is dead, and that the said Rebecca Smart survived both of the executors named in said will, and is now also dead; that one of the said executors died intestate, and the executors of the other refused to execute the trusts created in said will. And whereas it is further represented, that after the death of the executors named in said will, the orphans' court of the county of Salem appointed Thomas Jones Yorke and Edward Vanmeter, esquires, trustees to execute the trusts created therein, and that doubts have arisen whether either the executors of the said deceased executor, or the said Thomas Jones Yorke and Edward Vanmeter, trustees appointed as aforesaid, have power to make sale of said houses and lots, and give a good title therefor—for remedy whereof, and for the purpose of executing the said power of sale according to the true intent and meaning of the said testator,

Sale of real estate authorized.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That the said Thomas Jones Yorke and Edward Vanmeter, or the survivor of them, be, and they are hereby declared to be fully authorized to sell and dispose of, at public vendue, the said two houses and lots of land, with the appurtenances, and to make, execute, and deliver a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, his, her, or their heirs and assigns, which deed or deeds shall be valid and effectual in law to convey to such purchaser or purchasers all the estate, right, title, and interest whereof the said John Thompson, the testator, stood seized in the lands so conveyed at the time of his death.

Account of sales to be rendered.

2. *And be it enacted*, That the said Thomas Jones Yorke and Edward Vanmeter, or the survivor of them, shall within six months after the completion of the said sale, exhibit and render, under oath or affirmation, to the orphans' court of the county of Salem, a correct account of the said sale, and of the proceeds thereof, and of the costs and expenses of the same, which account shall be audited, examined, and disposed of in the same manner as is by law directed in relation to the accounts of executors; and the net proceeds of such sale shall be thereupon distributed and paid out by the said Thomas Jones Yorke and Edward Vanmeter, or the survivor of them, pursuant to the will of the said testator.

Trustees to give bond.

3. *And be it enacted*, That the said Thomas Jones Yorke and Edward Vanmeter, or the survivor of them, shall give bond to the ordinary or surrogate general of this state, in such sum and with such security as shall be directed and approved by the surrogate of the county of Salem, conditioned for the faithful performance of the trusts confided to them by this act; which bond shall be filed of record in the office of said surrogate for the benefit of all parties concerned, within forty days from and after the passage of this act.

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

Approved February 28, 1849.

AN ACT to incorporate the Bergen Point Ferry Company.

Preamble.

WHEREAS it is represented to the legislature, that David Latourette, of Bergen Point, hath constructed commodious docks, wharves, and piers in front of his land at Bergen Point, known as Good Stay, fit and suitable for a ferry, which he and his associates intend to establish, for the purposes of plying between that place and Port Richmond, on Staten Island, in the state of New York; and whereas it appears, by the petition of citizens of the county of Hudson, that such ferry would conduce to the public convenience, and they have prayed that a law may be passed to incorporate the said David Latourette and his associates for the purpose, with such privileges and protection as may be necessary and expedient for the purpose, and as will secure success to the undertaking—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Latourette, Albert M. Zabriskie, David Latourette, jun., and John H. Latourette, and such other persons as shall be associated with them for the purpose of establishing and conducting a steamboat ferry from Bergen Point, on Kill Van Kull, in the county of Hudson, to Port Richmond, on Staten Island, in the state of New York, and their successors and assigns, 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 Bergen Point Ferry Company," the capital to be employed by the said company for the establishment and keeping up of a steamboat or boats to ply on the Kill Van Kull from Bergen Point to Port Richmond, on Staten Island, in the state of New York, or on the waters thereof; and it shall be the duty of said company to keep a steamboat or boats running at said ferry, from sunrise to sundown, for the accommodation of the public at all seasons of the year, unless the navigation of the said Kill Van Kull shall be deemed impracticable or dangerous; *provided*, that the proprietors of said ferry shall convey, in suitable small boats, such person or persons as shall apply for passage over said ferry between sundown and the hour of nine o'clock, P. M.

Names of corporators.

Objects of incorporation.

2. *And be it enacted*, That such subscriptions shall be taken, under direction of David Latourette, Albert M. Zabriskie, David Latourette, jun., and John H. Latourette, or a majority of them, to the capital stock of the said corporation, notice of the time and place of taking said subscriptions having been given by public advertisement, inserted in one of the newspapers printed and published in the county of Hudson, for two weeks previous thereto.

Commissioners to open books of subscription.

3. *And be it enacted*, That the capital stock of the said company shall be twenty 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.

Amount of capital stock.

4. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving the notice as directed in the second section of this act; and that the said books shall be kept open at least three days, from the hour of ten o'clock in the forenoon, until the hour of six o'clock in the afternoon of each day; and if more subscriptions be taken than the amount of the capital stock, the said persons, or a majority of them, shall apportion

Notice to be given of opening books.

the stock to and among the subscribers, in a ratable proportion to the number of shares by them severally subscribed.

Annual election of directors.

5. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon such share subscribed for, which money shall be paid over to the treasurer of said company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed and the apportionment made, it shall be the duty of the persons named in the second section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose five directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of the said corporation, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the second section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, shall and may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

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

7. *And be it enacted*, That the elections for directors of said corporation shall be held in the state of New Jersey, and a majority of said directors to be residents of, and their office to be kept in this state.

8. *And be it enacted*, That three directors of said corporation shall be competent to transact all the business of the said corporation; and they shall have power to call in the remainder of the capital stock of the said company, by such instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct, and in case of the nonpayment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estates, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, agents, superintendents, and such servants as may be required to transact the business of the said corporation, with such compensation to the president and other officers and servants as to the board shall seem proper; and they shall exact from the treasurer sufficient security for the due performance of his trust; and whenever any share or shares of stock shall become forfeited for nonpayment of the instalments, or any part thereof, in the manner set forth, the said share or shares may be sold by the president and directors for the time being for such price as can be had for the same, and the purchaser or purchasers thereof shall be considered as members of the company as fully as if they had been originally stockholders. Shares forfeited for nonpayment of instalments.

9. *And be it enacted*, That in case any of the directors shall transfer the whole of his or their shares of stock in this company, the office of such director or directors shall thereupon become vacant; and in case of a vacancy in the office of director for such cause, the remaining directors shall supply the same, and the directors so chosen shall have the same power, and be considered in all respects as if elected by the stockholders. Office of director vacant on transfer of stock.

10. *And be it enacted*, That the directors of the said corporation shall have power to fix and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, and carriages, horses, cattle, and stock of every description, to declare dividends, retaining such surplus funds as they may see proper, and to do other acts necessary or expedient to enable them to manage the property of the company to the best advantage. Duties and powers of directors.

11. *And be it enacted*, That as soon as ten thousand dollars of the capital stock of the said corporation shall be paid in, provided the same be paid within two years from the passing of this act, conformably to the provisions of this act, the said When corporation may commence business.

corporation may proceed to establish the ferry, and to do the business for which the incorporation was granted.

Penalty for injuring works.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the steamboat and ferry incorporated by this act, or any of their necessary works, wharves, docks, piers, bridges, steamboats, or other machines, such person or persons so offending shall forfeit and pay to the said company any sum or sums, not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction of the same, and shall also be liable to pay to said company double the amount of damages sustained thereby, to be sued for in action of trespass.

Debts not to exceed capital.

13. *And be it enacted*, That it shall not be lawful for the said company to contract debts, or issue notes or obligations for the payment of money, to an amount exceeding, at any one time, a greater sum than the amount of its capital actually paid in; and for any violation of this section this charter shall be forfeited; and the directors for the time being shall severally be responsible for all the debts and contracts of said company.

Limits of ferry.

14. *And be it enacted*, That, for the purpose of insuring success to the undertaking, which in its establishment and first efforts must be hazardous, and for the purpose of protecting the enterprise when established, the said corporation shall have the exclusive right to establish and carry on a ferry from the said point known as Good Stay, and for the space of one half a mile on each side of said Good Stay, upon the northerly side or shore of said Kill Van Kull, to and from Port Richmond aforesaid, for three years from the date of this charter, and at the expiration of the said three years, the corporation shall be restricted to one-fourth of a mile on each side of said Good Stay; and that any person or persons, or body corporate, who shall set up or run a ferry, or transport for hire passengers, merchandise, or other articles within the limits aforesaid, contrary to the true intent and meaning of this act, shall be liable to a penalty of five dollars for each offence, to be recovered by any person who shall sue for the same, by action of debt, in any court of competent jurisdiction, one half to the use of the person who sues, and one half to the use of the said company.

Rates of ferriage.

15. *And be it enacted*, That the said company shall be authorized to charge and receive, according to the following rates of ferriage, for transportations across said Kill Van Kull, and no more, namely:

For each passenger, six and a quarter cents.
For each one horse wagon, including driver, twenty-five cents.
For each two horse wagon, thirty-seven and a half cents.

For each man and horse, fifteen cents.
For all horses and neat cattle, each, ten cents.
And the same in proportion for carriages and merchandise, stock, and articles of every description.

16. *And be it enacted*, That this act shall continue in force for the term of twenty years from the passage thereof, the legislature reserving the right to alter, amend, or repeal this act, whenever the public good shall require it; *provided*, that nothing in this act shall be construed to prevent ferry boats from running with freight or passengers at the usual rates between the city of New York and Staten Island, by way of Bergen Point, or to prevent steamboats or other vessels from running between the city of New York and Newark, Elizabeth Port, Amboy, or New Brunswick, from carrying freight or passengers to or from any dock or wharf on Bergen Point, with the consent of the owner or owners thereof. Limitation.

Approved February 28, 1849.

AN ACT to incorporate the New Brunswick Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Stout, William Dunham, Charles D. Deshler, and George A. Vroom, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the New Brunswick Gas Light Company;" and by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in New Brunswick and its vicinity; and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not Names of corporators. Style of incorporation and general powers.

exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Company authorized to lay pipes.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That John W. Stout, George A. Vroom, and James Hay, junior, are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such times and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the city of New Brunswick, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of fifty thousand dollars; and are also authorized to

call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Somerset and Middlesex counties; and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after fifteen thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in May, eighteen hundred and fifty; and the said directors and president shall hold their offices, from the second Monday of May in every year, for one year, and shall be elected on the second Monday of May in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in the city of New Brunswick; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Charter not forfeited for failure to elect on day prescribed.

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

Quorum.

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

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever,

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

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Powers and restrictions.

10. *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.

Approved March 1, 1849.

A supplement to an act entitled, "An act respecting conveyances."

Acknowledgment of letter of attorney to be valid evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the execution of any letter of attorney, for the sale, conveyance, assurance, acquittance, or release of any lands, tenements, or hereditaments, heretofore made and executed, shall have been or shall be acknowledged or proved, and such acknowledgment or proof certified in the manner prescribed for the acknowledgment and proof of deeds of conveyances of lands, tenements, or hereditaments, by the act to which this is a supplement, then that every such power of attorney shall be received in evidence in any court of this state, as if the same was then and there produced and proved.

Letters of attorney to be recorded.

2. *And be it enacted*, That all such powers of attorney, being so acknowledged, or proved and certified, shall and may

be recorded in the same manner as is now prescribed by law for recording deeds of conveyance of lands, tenements, or hereditaments; and that the record of any such letter of attorney, heretofore made and executed, and acknowledged or proved, and certified and recorded as aforesaid, or hereafter to be made and executed and acknowledged, or proved and certified and recorded as aforesaid, and the transcript thereof, duly certified by the proper officer, shall be received in evidence in any court of this state, and have the same effect as if the original letter of attorney was then and there produced and proved.

Approved March 1, 1849.

A supplement to the act entitled, "An act constituting courts for the trial of small causes."

Fees for justices of the peace.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the services herein after specified, the following fees shall be allowed, and no more:

To justices of the peace, 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, twenty-five cents.

For recording the return of every summons or warrant, five cents.

For recording a description of each paper offered in evidence, five cents.

For making an order for issuing a warrant or execution, in pursuance of the act entitled, "An act respecting imprisonment in cases of fraud," twenty-five cents.

For the trial of every cause, when both parties appear and contest the same, twenty-five cents.

Constables' fees.

To constables, in addition to the fees now allowed by law, mileage on serving every summons, warrant, or other process, two cents out and in for every mile, to be computed from the place of holding the court out of which such summons, warrant, or other process issued; *provided*, that no mileage shall be allowed on a subpœna, execution, venire facias, or warrant, execution, or other process, issued for the collection of assessments, taxes, or militia fines.

Approved March 1, 1849.

An additional 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 February twenty-third, eighteen hundred and forty-seven.

Preamble. WHEREAS doubts have arisen as to the true construction of that part of the thirty-second section of the act, to which this is an additional supplement, which provides that the counties shall have the right to require every township that is legally liable for the support of such patients, as are mentioned in said section, to reimburse the amount of bills incurred by them—therefore, to remove the same,

Construction of act. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town legally liable, shall be understood and construed to mean the township from which such lunatic was sent to the asylum.

Approved March 1, 1849.

A supplement to the act entitled, "An act to regulate the state library."

Books to be bound. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be the duty of the state librarian, annually, to cause twenty copies of the laws and joint resolutions, passed at each session of the legislature, twenty copies of each of the journals of the Senate and General Assembly, ten copies of the chancery reports, and ten copies of the supreme court reports, to be bound, and placed in the library, for the use of the state.

Part of former act repealed. 2. *And be it enacted*, That so much of the fifth section of the act to which this is a supplement, as is contrary to the provisions of this act, be, and the same is hereby repealed.

Approved March 1, 1849.

A supplement to the act entitled, "An act to create the county of Hudson," passed February twenty-second, one thousand eight hundred and forty.

WHEREAS the county jail of the county of Hudson is deemed insufficient for the confinement of the persons who now are, and hereafter may be committed thereto, and the proper authorities of the said county having it in contemplation to enlarge the same, or construct a new jail—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sheriff of the county of Hudson shall be, and hereby is authorized, whenever he shall think it necessary for their safe keeping, to carry such prisoner or prisoners as may be committed to his custody to, and confine them in the jail of the county of Essex; and the keeper of the said jail is hereby required to receive and safely keep every such prisoner so delivered to him, in the same manner and under the same penalties as he is or may be by law required to keep and provide for the prisoners of the county of Essex, until such prisoners shall be demanded by the proper officer or officers of the said county of Hudson, or by other due and legal authority; and the said keeper shall be entitled to receive from the board of chosen freeholders of the said county of Hudson, such fees and compensation for the support of the prisoners so committed to the said jail as aforesaid, as shall be deemed reasonable by the board of chosen freeholders of the county of Essex, and also to receive such fees as is or shall be allowed by law. Prisoners may be confined in Essex county jail.

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

Approved March 1, 1849.

AN ACT to authorize the sale and conveyance of certain lands and real estate belonging to the rector, wardens, and vestrymen of St. Mary's Church, in the city of Burlington.

WHEREAS the society for the propagation of the gospel in foreign parts, did, on the thirteenth day of April, in the year of our Lord one thousand eight hundred and three, by deed of indenture, under their corporate seal, grant and convey to Preamble.

the corporation of St. Mary's Church, in the city of Burlington, by the name of the minister, church wardens, and vestrymen of St. Mary's Church, in the city of Burlington, four several tracts or lots of lands, situate in said city, to have and to hold the same, with the appurtenances, unto the said minister, church wardens, and vestrymen, their successors and assigns, to and for the sole and only proper use, benefit, and behoof of the said minister, church wardens, and vestrymen, their successors and assigns, for ever, for the sole use and maintenance of the Episcopal Church in the city of Burlington aforesaid, and to and for no other use or uses whatsoever. And whereas some doubts have been suggested, whether, under the grant thus made, the rector, wardens, and vestrymen of said church, who are the successors of the original grantees, can sell the said property, and make a perfect title therefor, by reason whereof the value of said property may be greatly impaired, and the corporation be subjected to inconvenience and loss—now, therefore,

Sale of property authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the rector, wardens, and vestrymen of St. Mary's Church, in the city of Burlington, to make sale and conveyance of the said property, so granted as aforesaid, upon contracts and agreements hereafter made, or so much thereof as may remain unsold, at their discretion, and to make and execute such deeds therefor as may be necessary or proper, which deeds shall vest the property thereby conveyed in the purchasers, their heirs and assigns, in fee-simple.

Rector, wardens, &c., to make deed.

2. *And be it enacted*, That it shall and may be lawful for the said rector, wardens, and vestrymen of St. Mary's Church, in the city of Burlington, to ratify and confirm all sales of any portion of said property, heretofore made by the said corporation, and to make and execute deeds therefor, to the respective purchasers; *provided*, that nothing in this act contained shall be construed to affect or prejudice either party to any contract or agreement for the sale of any portion of said property, for the performance of which any suit or suits are now pending, either in law or equity.

Proceeds, how to be applied.

3. *And be it enacted*, That the proceeds of said property, when sold as aforesaid, shall be applied by said corporation to the purposes mentioned in the said conveyance from the said society for the propagation of the gospel in foreign parts.

Approved March 1, 1849.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, the annual town meetings in the township of Walpack, in the county of Sussex, shall be held on the second Monday in April, annually. Time of annual town meetings.

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

Approved March 1, 1849.

AN ACT to authorize the inhabitants of the townships of Mansfield and Washington, in the county of Burlington, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Mansfield and Washington, in the county of Burlington, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one overseer of the poor, as many overseers of the highways and pound keepers as they may deem necessary and convenient, a town committee, consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said townships may be constitutionally entitled to elect, one constable, and such other officers as are needed for each of said townships. Voting to be by ballot.

2. *And be it enacted*, That at the hour of ten o'clock in the morning, the inhabitants of said townships shall be called to order, by any one of the township committees, and shall then proceed to the choice of a moderator, who shall preside for the day; and the clerk shall then read a full report of the settlement of the townships' accounts; and said election shall close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and subject to the same rules. Time of meeting, &c.

as elections for state and county officers are or shall be; and said moderators may adjourn said town meeting for any space of time not exceeding thirty minutes.

Vacancies, how supplied.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer; and in case there shall be a neglect or failure to elect any officer by the said town meeting, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more have an equal number of votes for the same office, the town committees of said townships shall, at their next meeting thereafter, fill such vacancy, determine upon such place, and elect between those having an equal number of votes, unless they shall deem a special town meeting for those purposes most advisable; and the first elections under this act shall be held at the house of Mahlon Shreve, Three Tuns, in the township of Mansfield, and at the place where the last annual town meeting was held in the township of Washington.

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

Approved March 1, 1849.

A supplement to the act entitled, "An act for the publication of chancery and law reports," approved April seventeenth, eighteen hundred and forty-six.

Printer of reports, how appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancery reporter shall hereafter appoint the printer to print the chancery reports, and the law reporter shall hereafter appoint the printer to print the law reports, of this state; and that said appointments be made from time to time, as said reporters shall deem necessary; the printers so appointed to print such number of copies, and at such rates, as shall be directed by the legislature annually; and that the law and chancery reporters shall not be entitled to their respective compensation until they have delivered to the treasurer of the state the authorized number of copies of law and chancery reports.

Decisions of courts of errors and appeals.

2. *And be it enacted*, That all decisions and opinions in cases determined in the court of errors and appeals in the last resort, removed therein by writs of error to the courts of law, or otherwise, shall be furnished to, and collected and compiled

by the law reporter, and printed and published with the law reports; and all decisions and opinions in cases determined in the court of errors and appeals in the last resort, removed therein by appeal from the court of chancery, or otherwise, shall be furnished to, and collected and compiled by the chancery reporter, and printed and published with the chancery reports.

When act to take effect.

3. *And be it enacted*, That so much of the provisions of this act as relates to the printing of the law reports, shall take effect immediately, and so much as relates to the printing of the chancery reports shall take effect on the first day of January, eighteen hundred and fifty.

Approved March 1, 1849.

AN ACT to authorize Francis R. Tillou to keep and maintain a ferry from Fort Lee, in the county of Bergen, to the city of New York.

F. R. Tillou authorized to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Francis R. Tillou, his heirs and assigns, to keep and maintain a ferry from the docks and property of the said Francis R. Tillou, at Fort Lee, on the Hudson river, in the county of Bergen, to the city of New York, for the transportation of passengers, horses, cattle, carriages, and goods, and to demand and receive for such transportation such sum or sums as shall be fixed by the board of freeholders of the county of Bergen, according to the provisions of an act entitled, "An act concerning ferries," passed February sixth, one thousand seven hundred and ninety-nine.

Steamboats to be provided.

2. *And be it enacted*, That the said Francis R. Tillou, his heirs and assigns, shall, at all times, be provided with one or more sufficient steamboats suited to such ferry, sufficient in size, strength, steadiness, and accommodations for the safe and speedy transportation of passengers, horses, cattle, carriages, and goods, and shall be entitled to all the privileges, and subject to all the liabilities expressed and provided for in the last mentioned act.

Wharf not to be used without consent of owner.

3. *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 running or to run

to and from the city of New York, to land at said docks or wharves of the said Francis R. Tillou, or to receive, or to land, or discharge any passengers or freight at said docks or wharves, unless in cases where any boat or other vessel shall be in distress, without consent first had and obtained from the said Francis R. Tillou, his heirs or assigns.

Approved March 1, 1849.

AN ACT to prohibit swine from running at large in the township of Bridgeton, in the county of Cumberland, and the village of Haddonfield, in the township of Newton, in the county of Camden.

Preamble. WHEREAS serious inconvenience is felt by the inhabitants of the township of Bridgeton and the village of Haddonfield aforesaid, in consequence of the owners of swine permitting them to run at large; and whereas no adequate remedy is provided by law—therefore,

Swine may be impounded and sold. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person or persons to drive or convey to any public pound in said townships of Bridgeton or Newton, respectively, any swine found running at large, in said township of Bridgeton or in said village of Haddonfield, within an half mile from the hotel now occupied by Joseph C. Shivers, in said village, and impound the same; and the keeper or keepers of the public pounds, in the said townships, respectively, are hereby authorized and required to receive all such swine; and the party shall have twenty-five cents per head for impounding each swine; and the keeper shall have the same fees for letting in and out of the pound, and for pounding, feeding, and attending, four cents per head for every twenty-four hours they shall continue in the pound; and if the owner or owners of the said swine, so impounded, shall not pay the charges aforesaid within four days after such swine shall be impounded, and take said swine away, it shall then be the duty of the said pound keeper to set up advertisements in at least three of the most public places in the said townships, respectively, where any swine is or are so impounded, particularly describing such swine, and giving at least fifteen days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the said swine before the time so notified, the said

pound keeper shall sell the same accordingly, and, out of the moneys arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for pounding, keeping, and feeding said swine, and twenty-five cents for the sale of each swine and collecting the money, and return the surplus to the owner of the swine; and if no owner shall appear and claim such overplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the township, for the use of the poor of said township.

Approved March 1, 1849.

AN ACT to incorporate the town of Lambertville, in the township of West Amwell, in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of West Amwell, contained within the following limits, to wit: beginning at low water mark in the river Delaware, at the corner of the Prime Hope mill tract, being the corner between said tract and land of John Coryell; thence, on the line between said lands north, eighty-seven degrees east, eighteen chains, to a corner; thence north, four chains and sixty links, to a corner of lands of the estate of Dr. John Wilson, deceased; thence, by the same, north, eight degrees west, eleven chains and seventy-five links; thence northeasterly to the southwest corner of the Abraham G. Coryell tract (now owned by John Coryell, esq.); thence by the same north, seventy-five and half degrees east, twenty chains and fifty links, to a corner; thence north, three and a half degrees east, along the same tract, thirteen chains and twenty-eight links, to a corner of John Holcombe's lot; thence north, twenty-two and a half degrees west, in a straight line to the middle of the Alexsockin creek; thence, down the same, to the Delaware river; thence, down the same (including Holcombe's island) to the place of beginning, shall be, and hereby is erected into a borough or town corporate, which shall be called and known by the name of "the Town of Lambertville; and the inhabitants thereof shall be, and hereby are incorporated by the name of "the Inhabitants of the Town of Lambertville; and by that name they and their successors for ever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answer-

Boundaries of town.

ing and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; may have a corporate seal, and alter the same at their pleasure; and may, by their corporate name aforesaid, purchase, receive, hold, and convey any estate, real or personal, for the public use of said corporation.

Additional powers.

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

Annual town meetings.

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

Officers to be elected.

4. *And be it enacted*, That at such annual town meetings, the citizens of said town qualified to vote as aforesaid, shall elect by ballot the following officers, all of whom shall be residents in said town, to wit: one mayor, six common councilmen, and two inspectors of elections, all of whom shall hold their respective offices for one year and until others are chosen and legally qualified in their stead; one clerk, one assessor, one collector, one judge of elections, one town superintendent of public schools, two chosen freeholders, two surveyors of the highways, one or more constables, as many overseers of the highways and pound keepers as the inhabitants of the town shall deem necessary or convenient, and as many justices of the peace as the inhabitants of the town may at the time be entitled to elect; all of whom, except the mayor and the six common councilmen, shall possess the same qualifications, and all of whom shall take the same oath or affirmation, give the same securities for the performance of their respective duties, hold office for the same times, and in all respects have the same powers, privileges, rights, and jurisdiction, perform

the same duties, and be subject to the same restrictions, liabilities, and penalties, as the like officers elected by any township in this state, unless where otherwise directed or provided by this act; but in all cases where the word "township" occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word "town" shall be substituted.

Mode of conducting elections.

5. *And be it enacted*, That the first election of town officers shall be held by the person chosen, by the voters present, to preside at or superintend the town meeting, and two inspectors of election, who, together with a clerk of the meeting, shall be chosen in the same manner; and all subsequent elections, by the judge of elections and inspectors of elections of said town, a majority of whom shall determine all questions respecting the right of voting at such election; and the name of each person voting shall be recorded by the town clerk, in a poll list kept for that purpose; each voter shall give a single ballot, designating the names of the persons for whom he votes for each office, respectively; each ballot may contain the names of one person for mayor, of three for common councilmen, of one for clerk, of one for assessor, of one for collector, of one for judge of elections, of one for town superintendent of public schools, of one for inspector of elections, of one for chosen freeholders, of one for surveyor of the highways, of one for constable, of one for overseer of the highways, of one for pound keeper, and of one for justice of the peace, when justices are to be elected, and no more; *provided*, that when more than two are to be elected to the office of constable, overseer of the highways, pound keeper, justice of the peace, or to any town office, if the number to be elected is an even one, the ballot may contain half the number of names for such office, and if an odd one, then one more than half that number, and no more; the polls shall be kept open at least four hours, and not more than eight hours; and when the polls are closed, the votes shall be counted, and the number received by each person for each office, certified by the judge and inspectors, or a majority of them, and the clerk and the several persons having a plurality of votes for each office respectively, to the number to be elected for each, shall be declared to be elected; and in case any of the officers, whose duty it is to hold or assist at such election, shall be absent, or a vacancy occur from any cause, the place of such officer or officers may be supplied in the same manner as vacancies in such offices are supplied at elections for state and county officers; *provided*, that the said judge and inspectors, or any person or persons acting as such, shall severally, before they proceed to receive any votes, take an oath or affirmation faithfully and impartially to execute the

duties and services required of him by law in said election, and not to receive, or assent to receive, the vote of any person who is not duly qualified to vote, agreeably to the restrictions and provisions prescribed by law; and the clerk, or person acting as such, shall, in like manner, take an oath or affirmation faithfully and impartially to serve as clerk of such election, and execute the duties and services required of him by law; which oaths or affirmations the said judge, inspectors, and clerk are hereby authorized and required to administer to each other in a public manner.

Vacancies, how supplied.

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

Meetings of common council.

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

law for the performance of such duties, but shall not be allowed compensation in more than one character for any day's services; and they shall be entitled to no pay or compensation for their services as members of the common council, except for their actual and necessary expenses in discharge of their duties.

Duties and powers of common council.

8. *And be it enacted*, That it shall and may be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances, as they shall judge proper, for regulating, cleaning, and keeping in repair the streets, sidewalks, highways, and public alleys in said town, preventing and removing all obstructions and encroachments in and upon the same, preventing immoderate riding or driving through the streets, and riding or driving on the side-walks; for regulating and preventing the running at large of cattle, horses, sheep, goats, swine, and geese, and imposing a reasonable tax on the owners or possessors of dogs; for preventing, abating, and removing nuisances; for lighting the streets; for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly, or indecent conduct, and drunkenness; for suppressing disorderly or gambling houses and groggeries, and for suppressing vice and immorality; for gravelling and paving streets and sidewalks; for protecting shade and ornamental trees on the streets, highways, and public grounds; for protecting public property and property belonging to the corporation; for providing a supply of water, and preventing and suppressing fires; for regulating and prescribing the duties of fire engineers and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, and in the militia in time of peace, and after serving ten years, successively, as firemen, shall be exempt from duty as such, and also remain exempt from serving as jurors in said courts, and in the militia in time of peace; for compelling the cleaning of chimneys; for regulating or preventing the carrying on of dangerous or noxious manufactories; for appointing watchmen, and prescribing their powers and duties, and regulating the police of the town; for establishing and regulating public pounds; for restraining vagrants, mendicants, and street beggars; for establishing and regulating public markets, and such other by-laws and ordinances for the peace and good order of said town, as they may deem expedient, not repugnant to the constitution or laws of this state or of the United States; and to enfore the observance of all such by-laws and ordinances, by enacting penalties for the violation thereof, either by imprisonment, not exceeding seven days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, in the name of

the treasurer of the town of Lambertville, for the use of the inhabitants of the town of Lambertville, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in said town, or in the township of West Amwell, in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, the said mayor and the justices of the peace in said town are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the laws and ordinances, passed as aforesaid, by warrant, under his hand and seal, directed to the keeper of the Hunterdon county jail, or to the keeper of the town house of the town of Lambertville, who is hereby authorized and required to receive and safely keep the persons so committed; and when the persons so committed shall be committed to the county jail for breach of any of the ordinances of the said common council, the expenses of keeping such person shall be paid by said corporation; and every person thinking himself aggrieved by the decision of such mayor or justice of the peace, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein what to them shall appear just and reasonable; *provided always*, that each and every by-law and ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published and circulating in said town, before such by-law or ordinance shall go into effect; *and provided also*, that no such ordinance or by-law shall be enacted or passed, unless the same shall have been introduced before the common council at a previous meeting.

Paving and grading sts.

9. *And be it enacted*, That it shall be lawful for the common council of the said town, in common council convened, to make and establish ordinances and regulations for the levelling, grading, and paving, flagging, or gravelling sidewalks in any street or streets in said town, by the owners of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skilful person or persons, if necessary, to superintend the said work, and prescribe the manner in which the same shall be performed; and when any of the said owners shall have fully complied with any of such ordinances and regulations, he or they shall be entitled to receive, out of the treasury of the said town, one half of the expense of the said work, as ascertained and reported to the common council by the person or persons appointed to superintend the said work.

Assessment to be made if owners refuse to pave.

10. *And be it enacted*, That if the owner of any lot, in front whereof the sidewalks shall, by such ordinance or regu-

lation be directed to be levelled, graded, and paved, flagged or gravelled, shall neglect to comply with such ordinance or regulation, within forty days from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed, and certified by three assessors, to be appointed by the said common council, which said assessment shall be examined and approved by the said common council.

Assessment, how disposed of.

11. *And be it enacted*, That one half of the amount of the estimate or assessment to be made as aforesaid, on any lot in said town, shall be and remain a lien thereon, from the time of the completion and return of such estimate or assessment, in manner aforesaid, until paid or otherwise satisfied; and it shall be lawful for the common council, if they shall see fit, in case the owner of any lot, or any house and lot, within the said town, shall neglect, as aforesaid, to comply with such ordinance or regulation in respect to the sidewalks in front thereof, to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said town, and to sue for and recover, in the name of the treasurer of the town of Lambertville, for the use of the inhabitants of the town of Lambertville, one half of the amount so paid, from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out, and expended, to and for the use of such owner or owners, or his or their legal representatives; and in every such action, the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff; and the other half of the said assessment shall be paid out of the treasury of the said town.

Inhabitant not incompetent as witness.

12. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact in which the said corporation is a party, or in which it is interested in any way, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said town; 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 give this act and the special matter in evidence at the trial.

Officers to take oath.

13. *And be it enacted*, That the mayor and common councilmen shall each, before entering upon the duties of his office, take and subscribe an oath or affidavit, before a justice or commissioner of the supreme court, or a judge of the court of common pleas or justice of the peace of the county of Hun-

terdon, faithfully and impartially to execute the duties of his office, which oath shall be filed and kept by the town clerk.

Mayor to administer oath to officers.

14. *And be it enacted*, That the mayor of the said town of Lambertville is hereby authorized and empowered to administer oaths and affirmations, in all cases where they are directed to be taken before him, or are prescribed by law, without designating before what officer, or are necessary and proper in the discharge of his duties; and the said mayor may authorize and require the constables of the town to execute all warrants or other process issued by him, in the discharge of his duty, under the same liabilities and penalties as said constables are subject to in case of warrant or other process issued by a justice of the peace.

Duties of treasurer.

15. *And be it enacted*, That the common council shall choose, annually, a suitable person for treasurer, who shall serve until his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys and other property belonging to, or due, or owing in any way to the said corporation, from the collectors and other officers or persons who may have collected or received, or who may hold the same, and safely to keep the same, and all vouchers therefor, to pay out said moneys on the warrants of the common council, to account to the common council for the same, and at the expiration of his office to pay over and deliver to his successor all such moneys, property, and vouchers therefor, as may be in his hands, and at least once in each year to make out a full and true account of all moneys raised and received, by tax or otherwise, for the use of said corporation, and of the application and expenditure of the same, and deliver the said account to the town clerk, at least ten days previous to the annual town meeting; and the said clerk shall file the same in his office, and cause a copy thereof to be published in one or more newspapers published and circulating in said town, at least five days previous to such meeting; and the accounts of the treasurer shall at all times be subject to examination by the common council, who, in case of default or violation of duty, may remove him from office, and appoint another in his stead for the remainder of the year and until a successor is appointed and sworn into office.

Treasurer to give bond.

16. *And be it enacted*, That such treasurer, whenever appointed, shall execute a bond to the inhabitants of the town of Lambertville, in such sum and with such securities as the common council shall approve, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe an oath or affirmation, before the mayor, or before a judge of the court of common pleas or justice of the peace of

Hunterdon county, faithfully to perform said duties, which oath shall be filed and kept by the town clerk.

17. *And be it enacted*, That the clerk of the said town, besides performing the duties required by law of the clerk of a township, unless where otherwise directed by this act, shall also be the clerk of the common council; and shall keep an exact and true record of the votes and proceedings, and of all by-laws and ordinances passed by the said common council, which record shall, at all reasonable and proper times, be open to the inspection of any inhabitant of said town; *provided*, that in case of the absence of the clerk from any meeting of the common council, the members may appoint any one of their number clerk pro tempore, who shall, in like manner, keep an exact record of their proceedings, and sign his name thereto. Duties of clerk.

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

19. *And be it enacted*, That the citizens of said town, qualified to vote at town meeting, shall be, and hereby are empowered, at their annual town meetings, or at any other meeting duly held for that purpose, to vote, grant, and raise such sum and sums of money, for the purposes for which the townships in this state are authorized to vote, grant, and raise the same, as the majority of them, so assembled, shall deem necessary and proper, which votes may be by ballot or otherwise, as such majority may from time to time determine, and for such other purposes as are in this act specified; it shall be lawful for the common council, from year to year, to vote and raise by tax such sum or sums of money as they shall deem necessary and proper, and the money so voted and granted shall be assessed, (except as herein after mentioned) and levied and collected, with the state and county taxes, by the proper town officers, in the same manner, and under the like fees, fines, and penalties, as in the townships; and such fees, fines, and penalties shall, when recovered, be paid to the treasurer of the town, for the use of said town; *provided*, that all the taxes assessed and levied for town purposes, exclusive of schools and purposes of education, shall not in any year exceed three mills on the dollar of the assessed value of the property in the town. Money may be raised by tax.

20. *And be it enacted*, That the said town shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas of the townships are or may be ascertained, which shall from time to time be paid over to the treasurer of the town, or such other person as School fund and surplus revenue.

the common council may authorize to receive it, and applied, under the direction of the common council, in the manner prescribed by law; the said town shall also be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of West Amwell, in the county of Hunterdon, are now subject, and be entitled to its just and equitable proportion of the money and property now belonging to the inhabitants of the township of West Amwell, in the county of Hunterdon; which said debts and liabilities, and also said money and property, shall be divided between the said town of Lambertville and the said township of West Amwell, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, within the respective limits of the said town and township, as established by this act; and any money or property to which the said town may be so entitled, shall be applied, under the supervision of the common council, for the purpose and in the manner for and in which they are now authorized to be used by said township; and the said town shall also be entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships of Hunterdon county.

Elections, when held.

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

Election for first officers.

22. *And be it enacted*, That it shall be lawful for the inhabitants of the said town, qualified to vote at any town meeting, to hold an election for the purpose of electing the officers of the said town, named in section fourth of this act, at the office of the Telegraph in said town, on the second Tuesday after the passage of this act, at ten o'clock in the forenoon, which said officers, so elected, shall serve until the second Monday of April next.

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

Approved March 1, 1849.

AN ACT to incorporate the Princeton Gas Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Hagerman, Peter V. DeGraw, Alpheus C. Dunn, Isaac Baker, and John T. Robinson, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the Princeton Gas Light Company;" and by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in the borough of Princeton. Names of corporators. Style of incorporation and general powers.

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, and public grounds of the borough of Princeton, and to do all things necessary to light the said borough, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes, and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts. Company authorized to lay pipes.

3. *And be it enacted*, That John F. Hagerman, Isaac Baker, and John T. Robinson are hereby appointed commissioners for receiving subscriptions for the sum of twenty-five thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this Commissioners to open books of subscription.

state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in Princeton, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of twenty-five thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares, so subscribed, shall have been fully paid.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Mercer county, and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after twelve thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in April, eighteen hundred and fifty; and the said directors and president shall hold their offices, from the second Monday in April in every year, for one year, and shall be elected on the second Monday of April in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Princeton; and any vacancy in the said

board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Charter not forfeited for failure to elect on day prescribed.

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

Quorum.

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

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

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

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Powers and restrictions.

10. *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, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 1, 1849.

A supplement to an act entitled, "An act to authorize the inhabitants of the township of Plainfield, in the county of Essex, the inhabitants of the township of Vernon, in the county of Sussex, and the inhabitants of the township of Independence, in the county of Warren, to vote by ballot at their town meetings," approved February ninth, one thousand eight hundred and forty-eight.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several provisions of the act to which this is a supplement, excepting so much thereof as relates to the election of overseers of the highways, be, and the same are hereby extended to the township of Lebanon, in the county of Hunterdon, the township of Pahaquarry, in the county of Warren, and the township of Walpack, in the county of Sussex; and that the overseers of the highways in said townships shall be elected in the manner provided for by law.

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

Approved March 1, 1849.

AN ACT to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the establishment of free schools.

Preamble.

WHEREAS the inhabitants of the township of Bloomfield, in the county of Essex, have petitioned for a law authorizing them to raise such sums of money as they may think proper for the establishment of free schools—therefore,

Inhabitants authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the township of Bloomfield, in the county of Essex, be, and they hereby are authorized to raise, at their annual town meetings, any such sums of money as they may think proper, not exceeding three thousand dollars in any one year, for the establishment and support of free schools in the said township, the amount to be determined in the same manner as the amount of other moneys raised for township purposes; which money, ordered to be raised as aforesaid, shall be assessed, levied, and collected as

other state, county, and township taxes are assessed, levied, and collected.

Township to be divided into districts.

2. *And be it enacted*, That the town superintendent, together with the town committee, shall be empowered to divide the said township into a suitable number of school districts, and to determine their boundaries.

Trustees incorporated.

3. *And be it enacted*, That not less than three, nor more than five freeholders, residing in the district, shall be elected trustees, annually, by each district set apart as aforesaid, in pursuance of the act entitled, "An act to establish public schools," who, with their successors in office, shall be, and hereby are constituted district bodies politic, incorporated under such names as they may severally assume.

Trustees may hold real estate.

4. *And be it enacted*, That the said trustees may, in their corporate name, purchase and hold such real estate as may be necessary for the purpose of public school houses, and may sell, exchange, and mortgage the same, as may be most for the public benefit; *provided always*, that such sale, exchange, or mortgage shall be first approved by a majority of the inhabitants of the district, at their annual meeting, or at a special meeting called for the purpose.

Money may be raised by tax.

5. *And be it enacted*, That upon the call of the trustees for a meeting of the inhabitants of any district, which shall be posted in at least four of the most public places in the district, for two weeks previously, stating the time, place, and object of the meeting, the said inhabitants shall be authorized and empowered to raise by tax, such sums of money as a majority of the taxable inhabitants of the district, present at said meeting, shall determine, for the purchase of ground, erection of school houses, or other incidental expenses, said tax to be assessed by the trustees, in the same proportion that other township taxes are assessed, and collected by the town collector, at the same time and in the same manner as other township taxes are collected; and the said trustees shall report the manner in which said money has been expended, to the regular annual meeting of the district.

Superintendent to apportion money.

6. *And be it enacted*, That the amount of money raised under the first section of this act, and the money received from the public school fund, shall be apportioned by the town superintendent to the different districts, according to the number of children, reported by their respective trustees, between the ages of five and sixteen, which apportionment shall be paid by the township collector to the several trustees, on the order of the town superintendent, and appropriated exclusively to the purposes of education; and the said trustees shall report to the

town committee the manner in which said apportionment has been expended, annually, at least two weeks before the annual town meeting.

Part of former act repealed.

7. *And be it enacted*, That all acts and parts of acts coming within the purview of this act, and being repugnant thereto, be, and the same are hereby repealed, so far as they relate to or concern the said township of Bloomfield.

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

Approved March 1, 1849.

AN ACT to authorize the stockholders of the Mullica Hill and Woodbury, and the Woodbury and Camden, turnpike companies to unite said companies into one company, to be called the Mullica Hill and Camden Turnpike Company.

Preamble.

WHEREAS it has been represented to this legislature, that the persons interested in the acts incorporating the Mullica Hill and Woodbury, and the Woodbury and Camden, turnpike companies, desire to have the privilege of uniting said companies into one—therefore,

Companies may unite.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That as soon as said companies, named in the preamble to this act, shall have appointed their directors, respectively, then it may be lawful, by the vote of a majority of the directors of each company, to unite and consolidate said companies into one stock company, as fully, to all intents and purposes, as though they were incorporated under one act; and the said companies, if so united, shall be known by the name and style of "the Mullica Hill and Camden Turnpike Company," and shall be entitled to all the rights, privileges, and franchises, and subject to all the restrictions and liabilities, contained in the acts incorporating the said Mullica Hill and Woodbury, and the Woodbury and Camden, turnpike companies, respectively.

Approved March 1, 1849.

AN ACT to provide for the establishment of public schools in the township of Nottingham, in the county of Mercer.

WHEREAS the inhabitants of the township of Nottingham, in the county of Mercer, have petitioned for a law to authorize them to raise by tax a sum of money sufficient for the education of all the children in the said township—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Nottingham, in the county of Mercer, be, and they are hereby authorized to raise, at their annual town meetings, any such sum of money as they may think proper, not to exceed three thousand dollars, for the purchase of land and the erection of school houses, and for the establishment and maintenance of common schools in the said township; which money, ordered to be raised as aforesaid, shall be assessed, levied, and collected as other township taxes are assessed, levied, and collected; and the town superintendent of said township shall have full power to receive from the town collector, who is hereby authorized and required to pay to the said town superintendent, all moneys assessed according to the provisions of this act. Inhabitants authorized to raise money by tax.

2. *And be it enacted*, That the inhabitants of the said township of Nottingham shall, at their annual town meetings, elect, in the manner that other township officers are elected, four trustees of common schools for the said township, who, together with the town superintendent, shall have the entire charge and control of the public schools within the said township, and who shall direct the expenditure of all moneys which shall come into the hands of the said town superintendent for common school purposes; and the said trustees shall exhibit to the inhabitants of the said township, at their annual town meetings, a full and correct statement of the sums of money by them received, and from whom, and how the same has been expended, the number of schools under their charge, and the number of scholars taught therein, and all their proceedings as trustees as aforesaid, and shall perform all other acts and duties appertaining to the school committees in this state. Trustees to be elected.

3. *And be it enacted*, That in the event of the sum of money appropriated by the state to the said township, for the support of public schools therein, and the sum of money raised therefor by the inhabitants of the said township as aforesaid, being together insufficient for the support of the said schools, then the trustees, elected as aforesaid, may assess upon each scholar such sum of money, not exceeding one dollar per quar- Trustees may make assessment.

ter, as may be found necessary; *provided*, that the said trustees may remit the whole or any part of said assessment upon such scholar or scholars, as circumstances may, in their opinion, require.

Trustees may hold real estate.

4. *And be it enacted*, That whenever, in the opinion of the said trustees, it may be expedient to accept, purchase, erect, or sell any lot or building for the use of the public schools of the said township, they shall call a meeting of the town committee; and if the said committee agree to the same, the requisite contract or conveyance shall be made by or to the town committee, in the name and on behalf of the inhabitants of the said township of Nottingham, for the use of the trustees of public schools.

Former act repealed.

5. *And be it enacted*, That "An act to provide for the establishment of public schools in the township of Nottingham, in the county of Mercer," passed March fifteenth, eighteen hundred and forty-four, be, and the same is hereby repealed, together with all acts and parts of acts which conflict with this act, so far as they relate to or concern the said township of Nottingham.

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

Approved March 1, 1849.

A supplement to the act entitled, "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six.

Commissioners to sign judgments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for "the commissioners to take special bail, and to administer oaths and affirmations," appointed, or hereafter to be appointed, by the justices of the supreme court, and commissioned under the act entitled, "An act authorizing the justices of the supreme court to appoint commissioners to take special bail, and to administer oaths and affirmations," to sign, and order entered, judgments by confession, upon special warrant of attorney, in any court wherein such judgments may now be entered; and such judgments, so signed and ordered entered, shall have the same force and validity as the same would have if signed by a judge of such court, as heretofore.

2. *And be it enacted*, That in all civil actions in any court of record in this state, the parties thereto shall hereafter be admitted to be sworn and give evidence therein, when called as witnesses by the adverse party in such action; *provided*, that no party to a suit shall be compelled to be sworn or give evidence in any action wherein usury is set up as a defence, or where the action is brought to recover a penalty or to enforce a forfeiture; *and provided further*, that this act shall not extend to any action brought upon a contract made before the fourth day of July next. Parties may be admitted as evidence.

Approved March 1, 1849.

AN ACT to incorporate the Hanover Cemetery Association, in 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 James H. Woodruff, Daniel Meeker, Joseph Kitchell, John Squier, and James Corey, and their associates, be, and they are hereby made a body politic and corporate in law, under the name, style, and title of "the Hanover Cemetery Association;" and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, and to do all such other things as are incident to a corporation. Names of corporators.

2. *And be it enacted*, That the said corporation shall be composed only of persons who are or shall be owners of sub-lots, or burial places, in the said cemetery; and that the said corporation shall have power to take and hold, in fee, the tract of land situate in the township of Hanover, near the residence of Josiah Stiles, containing about six acres, late the property of James H. Winans, and such other tract of land which the said corporation may hereafter add thereto, for the purpose aforesaid, not exceeding twenty acres in the whole; and that the said corporation shall hold such tract or tracts of land in trust, and for the uses herein after mentioned, to wit: first, the said corporation may sell, or otherwise dispose of, the sub-lots in the said cemetery, and take the proceeds of sale to their own proper use and behoof; but such sub-lots shall be occupied only as burial places for deceased human beings, with the use and privileges of the several walks and passages; and may Objects of incorporation.

erect on said tract or tracts of land such buildings and accommodations as they may deem suitable for the establishment; second, the sub-lots shall be conveyed to the respective purchasers in fee, on the payment of the purchase money, and the purchaser of each lot, his or her heirs and assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the walks and passages, subject to such regulations as may be established by the said association, for digging graves, building vaults, and ornamenting and preserving the said plats.

Five managers to be elected.

3. *And be it enacted*, That the care and management of the said cemetery and the business of the said corporation shall be confided to five managers, being lotholders, who shall have the exclusive superintendence thereof, with power to appoint and employ such officers and agents as they may deem expedient, and to fix the compensation of such officers and agents; which managers shall be chosen annually, by the owners of the sub-lots, at such time and place, and in such manner, as the board of managers may direct; and for the first year, and until others shall be chosen, James H. Woodruff, Daniel Meeker, Joseph Kitchell, John Squier, and James Corey shall serve as managers; and the managers for the time being, immediately before proceeding to an election, shall report to the proprietors the state of the affairs of the association; and the proprietors present shall then have power to elect managers, and direct such improvements to be made as they may deem expedient.

Streets not to be opened through cemetery.

4. *And be it enacted*, That no streets or roads shall hereafter be opened through the lands of the said corporation, occupied as a burial ground; nor shall any part or parcel of the premises occupied as aforesaid ever be subject to sale by virtue of any execution or any legal process.

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

Approved March 1, 1849.

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

Penalty for causing or procuring miscarriage.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons, maliciously or without lawful justification, with intent to cause and

procure the miscarriage of a woman then pregnant with child, shall administer to her, prescribe for her, or advise or direct her to take or swallow any poison, drug, medicine, or noxious thing; and if any person or persons maliciously, and without lawful justification, shall use any instrument, or means whatever, with the like intent; and every person, with the like intent, knowingly aiding and assisting such offender or offenders, shall, on conviction thereof, be adjudged guilty of a high misdemeanor; and if the woman die in consequence thereof, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labour for any term not exceeding fifteen years, or both; and if the woman doth not die in consequence thereof, such offender shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour, for any term not exceeding seven years, or both.

Approved March 1, 1849.

A further supplement to the act, approved February twenty-third eighteen hundred and forty-seven, and 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 benefits of said asylum should be made more accessible to paupers and indigent persons; and whereas it appears, by the report of the managers of the State Lunatic Asylum, that there is due and unpaid, on account of furniture, fixtures, and property, necessary for the proper conducting the institution, the sum of twenty-four thousand two hundred and eighty-eight dollars and twenty-eight cents; and that the further sum of four thousand dollars will be required to complete the grading of the grounds, and the necessary fixtures and furniture—therefore,

Insane paupers. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, it shall not be lawful to charge more than two dollars per week, for keeping in said asylum any pauper or indigent insane person who may be sent to the same, in accordance with the twentieth, twenty-first, and twenty-second sections of the act to which this is a supplement.

Appropriations to asylum.

2. *And be it enacted*, That the treasurer of this state is hereby directed to pay to the managers of the State Lunatic Asylum, on the warrant of the governor, such sum as they may require for the purposes named in the foregoing preamble, not exceeding in the whole the sum of thirty-one thousand dollars; and it shall be the duty of the secretary of state to audit the accounts of said managers; *provided*, that no compensation be paid him for so doing.

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

Approved March 1, 1849.

AN ACT to enable Richard S. Burr, Abraham O. S. Havens, and others, inhabitants of the county of Monmouth, to build, keep up, and maintain a temporary dam across Barnegat bay, near the head thereof, for the purpose therein named.

Preamble.

WHEREAS a petition hath been presented to this legislature, signed by Richard S. Burr, Abraham O. S. Havens, and others, citizens of the county of Monmouth, in the state of New Jersey, setting forth, among other things, that the construction of a dam across Barnegat bay, in said county, near its head, or northern extremity, and immediately below the mouth of the Metedeconk river, would most probably be the means of raising a body of water sufficient to force an outlet and inlet through the beach between said bay and the Atlantic ocean, and thereby greatly advance the interests of commerce and navigation, as well as tend to the general benefit of the said county of Monmouth, and praying the passage of a law authorizing the construction of said dam, as aforesaid; and it appearing that the obstruction of the navigation of said bay, consequent upon the construction of said dam, will be but temporary, and is acquiesced in by all persons interested, and that all who now navigate the bay and waters above the proposed dam desire the undertaking; and inasmuch as the usual notice hath been given, and no objections now appear—therefore,

R. S. Burr authorized to build dam.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard S. Burr, Abraham O. S. Havens, and others, who may choose to co-operate with them for the purpose, be, and they are hereby authorized and

empowered to erect, build, and construct a dam across the head or northern extremity of Barnegat bay, in the county of Monmouth, as aforesaid, to stretch from a point on the western shore of said bay, immediately below the mouth of Metedeconk river, to an opposite point on the eastern shore of said bay, with all the usual appurtenances of a dam, for the purpose mentioned in the preamble of this act, and to keep up, maintain, and repair said dam until the accomplishment of such purpose, or until it shall be ascertained that the said dam is impracticable for the accomplishment of the same; *provided however*, that the construction of the said dam shall not be commenced until the consent, in writing, of such persons whose lands may be touched or flooded by the same, shall be obtained.

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

Approved March 1, 1849.

A supplement to an act entitled, "An act to authorize the inhabitants of the township of Orange, in the county of Essex, and of the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Springfield, in the county of Essex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, to vote by ballot at their town meetings," approved March twenty-eighth, A. D. eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several provisions of the act to which this is a supplement be, and the same are hereby extended to the township of Bernards, in the county of Somerset. Provisions of former act extended.

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

Approved March 1, 1849.

A further supplement to an act entitled, "An act to enable the owners of the tide swamps and marshes, to improve the same, and the owners of meadow already banked in, and held by different persons, to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight.

Preamble. WHEREAS the security of the banks and other works, erected for the protection of meadows reclaimed from overflow by the tide, is frequently endangered by the removal of the mud, or guards, lying outside of said banks—therefore,

Guards not to be removed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person to remove any portion of the mud, or guards, lying outside of the banks, or other works, and within six rods thereof, belonging to any bank or meadow company, (except for necessary repairs to said banks or other works, in the manner prescribed in the act to which this is a supplement,) without the consent of a majority of said company first obtained, at a regular meeting thereof, held according to law.

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

Approved March 1, 1849.

AN ACT to authorize the township committee of the township of Paterson to appoint a collector of taxes for said township.

Preamble. WHEREAS it is represented to the legislature that great difficulty exists in relation to the collection of taxes in the township of Paterson, in the county of Passaic, and that no adequate power exists in law to remedy the evil—therefore,

Collector of taxes. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Paterson, at any time before the twentieth day of October, in each and every year, to appoint some capable and proper person, residing in the county of Passaic, to be and to be called the collector of taxes of said township, to whom all warrants that may and shall be issued by any justice of the peace in said county, by virtue of the

seventh section of "An act to provide for the assessment and collection of taxes in the township of Paterson, in the county of Passaic," passed the tenth of March, eighteen hundred and forty-two, and the seventeenth section of "An act concerning taxes," passed the tenth of June, seventeen hundred and ninety-nine, for the purpose of enforcing the payment of any taxes, or arrearages thereof, in said township, shall be delivered by every justice, and to the said collector of taxes, and no other person or persons, shall serve or execute every such warrant, except as is herein after provided.

Compensation to collector.

2. *And be it enacted*, That the said collector of taxes shall be entitled to and allowed the same fees for services, under and by virtue of any such warrant, as are allowed to the constable for such services by the act entitled, "An act concerning taxes," aforesaid, and the supplements thereto, and shall also be subject to all the penalties and liabilities for neglect or nonperformance of duties; shall have all the powers and privileges, and shall perform all the duties, that, by the said act concerning taxes, and the supplements thereto, are named, imposed upon, and granted to any constable to whom a warrant, as aforesaid, shall be directed and delivered by any such justice of the peace.

Collector to give bond.

3. *And be it enacted*, That every such collector of taxes, appointed as aforesaid, shall, before he enters upon the performance of the duties of his said office, and within seven days after he shall have received notice of his appointment by the said township committee, enter into bond to the inhabitants of the township of Paterson, in the county of Passaic, with two or more sureties, good and sufficient freeholders in said county, in such sum as the said township committee shall name, not less than the whole amount of taxes returned by the township collectors to the justice or justices, conditioned that the said collector of taxes shall and will well and faithfully discharge and perform all the duties imposed upon him by this act; which bond, when forfeited for the neglect of any duty so as aforesaid imposed upon such collector of taxes, may be prosecuted for the use and benefit of said township; and all actions and suits to be brought and prosecuted on any such bond shall and may be brought in the supreme court of this state, or in the circuit court or inferior court of common pleas of said county of Passaic; and in every action upon any such bond the plaintiffs may assign as many breaches as they shall think fit, and the jury, upon trial of such action, shall assess damages for such of the said breaches as the plaintiffs shall prove to have been broken; and, on verdict therefor, the like judgment shall be entered as hath heretofore been usually entered in like actions; *provided*, that in any action or suit that may be com-

menced and prosecuted on any such bond, no challenge to the court shall be made or allowed by reason of the liability of any member or members thereof to assessment or taxation in said township, or county, or state; *and provided further*, that the inhabitants of the said county shall and may be competent jurors and witnesses therein.

List of delinquents to be made and delivered.

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

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

Approved March 1, 1849.

AN ACT to incorporate the Germantown Railroad and Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Rafferty, Joseph Bartles, Nicholas E. Melick, John Honeyman, Robert M. Honeyman, and Geo. H. Bartles, of the county of Hunterdon, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the New Germantown Railroad and Transportation Company;" and shall be capable of purchasing,

holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

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

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors, who shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meetings, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

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

Shares forfeited for nonpayment of instalments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said cor-

poration; 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 the nonpayment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also, shall have power to appoint a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, or lateral road, from some suitable point within one quarter of a mile of the village of Germantown, in the township of Tewksbury, in the county of Hunterdon, to connect with the Somerville and Easton railroad, near the village of the White House, in the said county of Hunterdon; which railroad shall be constructed, 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 the president and directors of said company, their agents, engineers, superintendents, and others in their employ, at all times, to enter upon all lands and waters for the purpose of exploring, surveying, levelling, and laying out the route or routes of such railroad, and of locating the same; and to do, make, and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined on, and a survey of such route deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possessession of, hold, use, and occupy such lands and waters, and to excavate and erect embankments, build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion, and repair of said road, and to enter into any lands adjacent or near to the route of said road, and to search for and take sand, gravel, and stone, necessary for the erection or repair thereof, subject to such compensation to the owners of such lands, waters, or materials as is hereafter provided; *provided always*, that payment, or tender of payment, of all damages for the occupation of lands through which the said railroad may be laid out, be made before the said company, or any person or

persons, in their employment or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, or searching for sand, gravel, or stone, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings in case company and owners of land cannot agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of such 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 this state, to make publication thereof as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands 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 lands 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 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 of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid under the circumstances of the case; and that the person or persons to whom such tender shall be made, may receive the same without being barred thereby from his, her, or their appeal.

Parties aggrieved may 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 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 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 like notice and in the same manner as other issues of 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 should find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials, upon filing the aforesaid report.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, where any public or other road, canal or railroad, shall cross the same, so that the passage of vessels or boats, carriages, horses, and cattle, on the said road or canal, shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same. Company to erect and keep up bridges.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of eight cents per mile per ton for the transportation of property on said road or roads, or six cents per mile for carrying each passenger on said railways in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act. Company authorized to construct carriages &c.

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

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

New Jersey State Library

What property company may hold.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, and also at intermediate depots upon the line of the said road, not exceeding five acres at each place; and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and the construction of cars, carriages, steam engines, and for other necessary uses, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; which said lands shall be obtained in the manner provided for in the seventh section of this act.

Statement of cost to be filed.

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

Company may borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of 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.

Road, when to be commenced.

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

17. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act, shall be used

or employed by said company for banking or any other purposes not clearly indicated by the provisions of this act, under the penalty of forfeiting their charter; and that it may be lawful for the legislature, at any time hereafter, to alter, modify, or amend this charter, whenever, in their opinion, the public good shall require it; and that this act shall be deemed and taken as a public act, at all times be recognized as such in all courts and places whatsoever.

Capital not to be used in banking.

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

Approved March 1, 1849.

AN ACT to incorporate the Jersey City Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter McMartin, Benjamin O. Edge, Andrew Clerk, Peter Bentley, and Erastus Randall, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the Jersey City Gas Light Company;" and by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in Jersey City and vicinity.

Names of corporators.

Style of incorporation and general powers.

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, and public grounds of Jersey City and vicinity, and to do all things necessary to light the said Jersey City and vicinity, and the dwellings, stores, and other places situated therein, with gas; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes, and avenues shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Company authorized to lay pipes.

3. *And be it enacted*, That Erastus Randall, Peter Bentley, and Andrew Clerk are hereby appointed commissioners for

Commissioners to open books of subscription.

receiving subscriptions for the sum of sixty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a newspaper printed in Jersey City, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of sixty thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares, so subscribed, shall have been fully paid.

Annual election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Hudson county, and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after thirty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the third Monday in May, eighteen hundred and fifty; and the said directors and president shall hold their offices, from the third Monday of May in every year, for one year,

and shall be elected on the third Monday of May in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Jersey City; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall hold, or shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Charter not forfeited for failure to elect on day prescribed.

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

Quorum.

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

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

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

Books of accounts to be kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Powers and restrictions.

10. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and lia-

bilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable; and shall continue in force for thirty years.

Approved March 1, 1849.

AN ACT to divide the township of North Bergen, in the county of Hudson, and to establish a new township in said county, to be called the township of Hoboken.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of North Bergen, in the county of Hudson, lying within the following boundaries, to wit: beginning at a point in the middle of Hudson river, due east from the mouth of Loss's or Sluice creek; thence running due west to the centre of said creek at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend in the same; thence down the centre of the principal ditch on the west line of lands of John G. Costar, to the public road leading from North Bergen to Hoboken; from thence due south to the north line of Van Vorst township; thence along said north line easterly to the mouth of Eel creek; thence to the middle of Hudson river; thence northerly, up and along the middle of said Hudson river, to the point of beginning, shall be, and the same is hereby set off from the township of North Bergen, and is hereby established into a new township, to be known by the name of "the Township of Hoboken."

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Hoboken shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known as "the inhabitants of the township of Hoboken, in the county of Hudson," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hudson are or may be entitled or subject to by the laws of this state; and, in addition thereto, may raise, in the manner prescribed by law for other purposes, such moneys as may, from time to time, be necessary for the erection and repair of such public buildings as the said township may hereafter require, in its corporate capacity.

3. *And be it enacted*, That the inhabitants of the said township of Hoboken shall hold their first annual town meeting at the town hall, in the village of Hoboken, in the township of Hoboken, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Hudson. First town meeting.

4. *And be it enacted*, That all paupers who may be chargeable to the township of North Bergen at the time this act shall go into operation, shall be chargeable to, and supported by that township within the bounds of which they have acquired their settlements respectively, or in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlement is in the township of North Bergen, and who shall hereafter become chargeable as paupers, shall be supported by that one of the townships within the bounds of which they respectively resided at the time of acquiring their respective settlements, or within the bounds of which their respective settlements were acquired. Settlement of paupers.

5. *And be it enacted*, That the poor house farm, now vested in the townships of North Bergen and Bergen, with the buildings and improvements thereon, shall be vested in and remain to the townships of North Bergen, Bergen, and Hoboken, in their corporate capacity as townships, in common, in the same manner and form, in all respects, and to all intents and purposes the same as they are now vested in the said townships of North Bergen and Bergen; *provided always*, that nothing herein contained shall be deemed or taken to alter or lessen the share or interest in the said poor house farm, which the township of Bergen had therein at the time of the passage of this act. Poor house farm.

6. *And be it enacted*, That the township committees of the townships of North Bergen and Hoboken shall meet on the Monday next after their first annual town meeting, at the house of Rachel Riker, in the township of North Bergen, at one o'clock in the afternoon, and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships all the property or moneys on hand or due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of said townships at the last assessment; and may adjourn the said meeting from time to time, unto such time and place as a majority of those present may think proper; and the township of Hoboken shall be liable to pay a just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may pro- Township committees to divide property.

ceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive.

Voters of township.

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

Annual election of trustees.

8. *And be it enacted*, That the freeholders, inhabitants of each of the townships of Hoboken, North Bergen, and Bergen, respectively, shall, on the first Monday in May next, and on the first Monday in May in each and every year thereafter, by a plurality of the votes of the said freeholders then met and assembled, elect and choose out of the whole body of the said freeholders, two persons out of each of the said townships of Hoboken and North Bergen, and four persons out of the said township of Bergen, as trustees of the freeholders, inhabitants of the said townships respectively; which said eight persons, so elected, shall be styled and known in law by the name of "the Trustees of the Freeholders, inhabitants of the townships of Bergen, North Bergen, and Hoboken;" which said eight persons, so elected and chosen, shall be and continue in office for and during the term of one year, and until others are chosen or elected in their stead; and shall be invested with, and hold and enjoy all the rights, privileges, powers, and authorities, whatsoever, which are now vested in, or of right belong to the trustees of the freeholders, inhabitants of the townships of Bergen and North Bergen; and the first election for the two above mentioned trustees for the township of Hoboken, shall be held at the town hall in the village of Hoboken; *provided*, that nothing in this act shall be so construed as to impair the legal or equitable rights (if any) of the townships of Jersey City and Van Vorst to any funds or other property now held by the townships of Bergen and North Bergen.

Former trustees.

9. *And be it enacted*, That the persons heretofore chosen or appointed trustees of the freeholders, inhabitants of the township of Bergen, and of the township of North Bergen, and now acting as such trustees, shall be and remain trustees for the purpose for which they were chosen and appointed, until other trustees are chosen in the manner prescribed by this act.

Property, how vested.

10. *And be it enacted*, That all deeds, mortgages, bonds, bills, notes of hand, securities, engagements, and contracts of every kind and nature whatsoever, and all interest, property, and estates, real and personal, of every nature and kind, given, granted to, had, held, possessed, and enjoyed by the trustees of the freeholders, inhabitants of the township of Bergen and of

the township of North Bergen, shall be vested in and remain to the trustees of the freeholders, inhabitants of the township of Bergen, and of the township of North Bergen, and of the township of Hoboken, in the same manner and form, in all respects, and to all intents and purposes the same as they are now vested in or held, possessed, or enjoyed by the trustees of the freeholders, inhabitants of the township of Bergen and the township of North Bergen; and that all grants, conveyances, mortgages, bonds, notes, contracts, and engagements, of every nature and kind, given, made, done, and entered into by the trustees of the freeholders, inhabitants of the township of Bergen and the township of North Bergen, and that all legal claims and demands, by any person or persons, body politic or corporate, of every nature and kind, against them the said the trustees of the freeholders, inhabitants of the township of Bergen and of the township of North Bergen, shall be binding upon, and effectual and valid against the trustees of the freeholders, inhabitants of the township of Bergen, of the township of North Bergen, and of the township of Hoboken; and that they, the said the trustees of the freeholders, inhabitants of the township of Bergen, the township of North Bergen, and of the township of Hoboken may, in their corporate capacity, sue and be sued, implead and be impleaded, for or on account of any cause or causes of action whatsoever, now accrued or hereafter to accrue, in favour of or against the said the trustees of the freeholders, inhabitants of the township of Bergen and of the township of North Bergen, in like manner and as fully, to all intents and purposes, as the said the trustees of the freeholders, inhabitants of the township of Bergen and the township of North Bergen might have sued or been sued, implead or been impleaded, in case this act had not been passed.

Voting to be by ballot.

11. *And be it enacted*, That the election of all the township officers of the township of Hoboken shall be by ballot; and the inhabitants of the said township qualified by law to vote at town meetings shall, by ballot, determine the amount of money to be raised for such purposes as are or may be authorized by law.

Voting at first town meeting.

12. *And be it enacted*, That at the first annual town meeting to be held in the township of Hoboken, on the day appointed by law for that purpose in the other townships in the county of Hudson, the judge, inspectors, and clerk shall be chosen viva voce; and at all subsequent elections in the said township for the election of township officers, the judge, inspectors, and clerk elected at the next preceding township election shall be the officers, and if absent others shall be chosen in their stead, in the same manner as vacancies are supplied by law at the annual elections.

Fees of officers.

13. *And be it enacted*, That the judges, inspectors, and clerks, for holding any annual or special township election, shall severally be entitled to the sum of one dollar and fifty cents per day for their services, to be paid by the township committee of the township of Hoboken, out of the funds of said township.

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

Approved March 1, 1849.

AN ACT to incorporate the Bordentown Water Company.

Preamble.

WHEREAS John L. McKnight, Edward Robbins, Richard Shippen, Garret S. Cannon, and Robert Hankins, associated with others as a company, under the name and style of "the Bordentown Water Company," for the use and purpose of supplying the borough of Bordentown and its vicinity with water, from the most eligible situation it can be obtained, for domestic purposes, and as a further security against loss by fire, by their petition, presented to the legislature, have requested to be incorporated, the better to enable them to carry into effect the salutary objects of their institution—therefore,

Style of incorporation and general powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are or hereafter may become stockholders, shall be, and are hereby constituted a body corporate and politic, in fact and in name, by the style and title of "the Bordentown Water Company;" and by that name shall and may 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, matters, and causes whatsoever; have a common seal, and make, change, or alter the same at pleasure, and to hold and enjoy such real and personal estate as may be necessary for the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of one thousand shares, of ten dollars each; that the management of the concerns of the said company shall be intrusted to five directors, being stockholders of said company; which directors shall be chosen each and every year, at the annual meeting of the stockholders, which shall be held the first Monday in May, at such hour and place in Bordentown, as said directors shall from time to time appoint, by notices set up in three of the

Election of directors.

most public places in Bordentown, at least fifteen days previous to said election; that all elections shall be by ballot, by the stockholders, personally or by proxy, under the direction and inspection of three stockholders, not being candidates, each stockholder having one vote for two shares, two votes for five shares, and one additional vote for each succeeding five shares that he holds; and the five persons having the greatest number of votes shall be directors; that if any two or more persons have an equal number of votes, so as that five directors shall not be elected, they shall again proceed, in like manner, to elect, out of the persons so having an equal number of votes, so many as shall complete the number of 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 elected by said directors to fill such vacancy; the directors of the preceding year shall be considered as elected for the ensuing year; *provided*, no election shall be held to elect others in their places.

Commissioners to open books of subscription.

2. *And be it enacted*, That the persons named in the preamble to this act be commissioners to procure subscriptions for the stock, and shall open books for that purpose at Bordentown, on the third Monday in March, eighteen hundred and forty-nine, having previously given ten days' public notice; and whenever five hundred shares shall be subscribed, each stockholder paying, at the time of subscribing, one dollar for each and every share, the said commissioners shall call a meeting of stockholders, within ten days thereafter, by giving what they may consider sufficient notice, by public notice or otherwise, for the purpose of electing directors, and transacting such other business as may come before them, at such hour and place, in the borough of Bordentown, as they may deem proper; and such directors lawfully elected, then shall pay over such money as they shall have received; which said meeting shall be considered the first annual meeting.

3. *And be it enacted*, That it shall and may be lawful for the directors, or a majority of them, to require payment of the stock subscribed, in such proportions and at such times as they, or a majority of them, may think proper, with the penalty of a forfeiture of all previous payments thereon, and that notice of the instalments required, and of the time when the same are to be made, by notice set up in the borough of Bordentown at least thirty days previous.

Duties and powers of directors.

4. *And be it enacted*, That the directors shall be authorized, in their discretion, to appoint a secretary and other officers, agents, and servants, as they shall from time to time deem necessary for carrying into effect the powers of said compa-

ny; to establish rules, regulations, and by-laws for and concerning the conduct and government of such officers, agents, and servants, and for determining the compensation to which they shall be entitled; and for and concerning the manner of making transfers of the said stock, and the conduct and government of all persons with whom they shall contract for the water for their works, so far as respects the preservation of water furnished by said company, and for the use thereof, and to restrain the waste thereof; and, by such laws and ordinances, to impose penalties and forfeitures for a neglect or refusal to comply therewith, so as that such penalty or forfeiture, in any one case, shall not exceed five dollars; which penalties or forfeitures shall be recoverable in the name of the said corporation, before any justice of the peace of the county of Burlington, with costs, in an action of debt; and that, for the purpose of effectually supplying the said borough of Bordentown and its vicinity, and its inhabitants, it shall and may be lawful to and for the said directors and company to erect works on the most eligible situation that they may think proper, and conduct along the public highways and streets any number of conduits necessary for, and calculated to supply such water through or over lands in the borough of Bordentown; *provided*, the same shall not be done without the consent and permission of the owners of property over or through which it may be necessary to pass.

Penalty for injuring works.

5. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts, whatsoever, whereby the works of the said corporation, or any pipe, conduit, aqueduct, plug, cock, reservoir, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay to the said corporation triple the amount of damages sustained by means of such offence or injury, to be recovered, in the name of said corporation, with costs of suit, by action of debt, to be brought in any court in this state having cognizance of the same.

Borough may take works on payment of cost.

6. *And be it enacted*, That at any time after twenty years from the passage of this act, the borough of Bordentown, in its corporate capacity, may take from the company all the right, title, and interest of the company aforesaid, by paying first cost therefor, without interest thereon.

Restriction.

7. *And be it enacted*, That no part of the capital stock created by this act, shall be applied to any purpose, whatsoever, than the supplying of the borough of Bordentown with water, conformably to the provisions of this act.

Approved March 1, 1849.

A supplement to an act entitled, "An act to make taxes a lien on real estate in the township of Elizabeth, in the county of Essex, and to authorize the sale of the same for the payment thereof," approved the eleventh day of February, eighteen hundred and forty-seven.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall be taken and considered as a public act, and that the provisions thereof shall be in full force and effect, within the limits of the townships of Paterson and Manchester, in the county of Passaic, and in the township of Pittsgrove, in the county of Salem, in this state.

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

Approved March 1, 1849.

AN ACT to incorporate the Newark and Belleville Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Van Renssalaer, William Wright, George Bird, Elias Van Arsdale, Algernon S. Hubbell, Uriah Hendricks, Robert L. Cooke, 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 name, by the name of "the Newark and Belleville Railroad Company;" and, by that name, they and their successors and assigns 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, necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers, and privileges pertaining to corporate bodies, and requisite for the purposes aforesaid.

Style of incorporation and general powers.

Amount of capital stock.

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

Commissioners to open books of subscription.

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

Election of directors.

4. *And be it enacted*, That when the said capital stock, or a majority thereof, shall be subscribed for, and the books closed, and the apportionment made, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; and such election shall be made by ballot, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, 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 said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

5. *And be it enacted*, That in case an election of directors should not be made during the day when by this act it ought to

have been made, the said corporation shall not be deemed to be dissolved, but such election may be afterwards held according to law, on notice as aforesaid; and the directors for the time being shall continue in office until an election shall take place. Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That four directors of said corporation shall be a quorum to transact business; and they shall have power to call in the capital stock by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct, and in case of the nonpayment of such instalment, to forfeit the share or shares upon which such default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensation to them and the president, as the board shall deem proper, and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper; *provided*, the same be not repugnant to the laws or constitution of this state or of the United States. Duties and powers of directors.

7. *And be it enacted*, That the said company be, and they are hereby authorized and vested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, or lateral roads, on the west side of the Passaic river, from some suitable points or places in the township of Belleville, to some suitable point or place in the city of Newark, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for the said company, by its officers, engineers, agents, contractors, and workmen, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and lay rails and do all other things which may be suitable and necessary for the completion and repairs of the said railroad, and to carrry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay, or other materials, on or near the said route, which may be required for the construction of, repairing, or altering the said road, or any of the works or appendages, subject to such compensation to be made therefor as is herein af- Company authorized to construct road.

ter provided; *provided always*, that payment of all damage for the occupancy of lands through which the said railroad may be laid out and located, be made by the company, either to the owner or into court, as herein after provided for, before they, or any person under their direction, or in their employ, shall enter upon or break ground upon the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained in writing; *provided always*, that it shall be lawful for said company to construct branch or lateral railroads to any factory or other point or place in the townships of Belleville or Bloomfield, or to any basin on the Morris canal, in said townships.

Proceedings in case company and owners of land cannot agree.

8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials, so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be

paid by the company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein; and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court, in the county wherein the said lands or materials may be.

Proceedings in cases of appeal.

9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded, for the trial thereof by jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect as in any action of trespass, or on the case, prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was re-

ported by the commissioners, or, upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or, upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs, and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of and use the said land or materials; *provided*, the amount of the said judgment, or of the award of the said commissioners, if not appealed from, shall first be paid to the party or parties recovering the same, or in whose favour the same is made, or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof.

Money how paid in case of disability of owner.

10. *And be it enacted*, That in case any owner or owners of any such required lands or materials so appraised, or in favour of whom damages may have been assessed, shall be feme covert, under age, non compos mentis, or resident out of this state, or shall refuse to receive the amount so awarded or assessed, then, and in such case, the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners, respectively, or the damages so assessed into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners, or of the said person or persons so damnified; which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or owners damnified, or paid into the circuit court, under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner herein before provided.

Company to construct bridges.

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be prevented thereby; and when the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon ways over or under the said railroad, so that persons may conveniently pass the same.

Company to construct carriages.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to

purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, and right.

Dividends.

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

What property company may hold.

14. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding four 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 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 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, subject to the aforesaid restrictions.

Road free for all carriages on payment of toll.

15. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages, so used thereon, shall be so constructed and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company, nor injure the said road.

Act void if road not commenced in certain time.

16. *And be it enacted*, That if the said railroad shall not be commenced in three years from the fourth day of July next, and completed to the township of Belleville, at the expiration of five years thereafter, that then and in that case this act shall be void.

Restriction.

17. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act, shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

State may take road on payment of cost.

18. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and 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 within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the 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 company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take such road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of the 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 that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

Contracts may be made for transportation of passengers, &c.

19. *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; and shall also have the privilege of connecting with the Morris and Essex, or the New Jersey railroad, at some point within the corporate limits of the city of Newark; *provided*, the consent of such railroad companies, respectively, be obtained for that purpose.

Rate of fare.

20. *And be it enacted*, That it shall be lawful for the said company to demand and receive for carrying each passenger over said railroad, at the rate of four cents per mile, and for the transportation thereon of every species of property and freight, the loading and unloading thereof, upon and from the cars of said company inclusive, at the rate of ten cents per mile for each ton weight; and when such passengers or property are carried over and upon said road in vehicles, and by

means not belonging to said company, but owned by others, the said company shall be empowered to demand and collect, as tolls therefor, at the rate of two cents per mile for each and every passenger, and at the rate of four cents per mile for each and every ton weight, and three cents per mile for every engine and every empty carriage; and that the said company shall provide and maintain, at each end of the said road, suitable and sufficient warehouses for the reception and protection of all such goods, produce, merchandise, and freights as shall be brought to the same, to be transported on the said road in the carriages of the said company.

Annual return to be made.

21. *And be it enacted*, That from and after the completion of the said road, or its use by the company for public travel, it shall be the duty of the treasurer of the company, under oath or affirmation, to make annual returns to the treasurer of this state for the time being of the number of passengers, and of the number of tons of goods, produce, merchandise, and freight transported over said road, and of the proceeds of said road; and as soon as the proceeds of said road shall amount to seven per centum upon its cost, the said corporation shall pay to the said treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January each year; and that no other tax for the use of the state shall be levied or assessed on the said company.

Corporation may borrow money.

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

When act to take effect.

23. *And be it enacted*, That this act shall take effect immediately, and shall be and remain in full force for the term of ninety years; and the said corporation shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Certain officers to travel free.

24. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, when travelling in discharge of the duties of their respective offices, and the members of both houses of

the legislature of this state, during its annual or other sessions, shall pass and repass over the railroad of said company, in their cars, free of charge.

Approved March 2, 1849.

Supplement to an act entitled, "An act relative to justices of the peace," approved April seventeenth, eighteen hundred and forty-six.

Preamble. Whereas special town meetings are frequently called for the purpose of supplying vacancies in the offices of justices of the peace, the same being inconsistent with the provisions of the constitution—therefore,

Part of former act repealed. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act entitled, "An act relative to justices of the peace," approved April seventeenth, one thousand eight hundred and forty-six, relating to special elections for justices of the peace, be, and the same is hereby repealed.

Approved March 2, 1849.

AN ACT to authorize the inhabitants of the township of Elizabeth, in the county of Essex, to raise money by tax, or otherwise, at their annual town meetings, for school purposes.

Inhabitants authorized to raise money by tax. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Elizabeth, in the county of Essex, in this state, be, and they are hereby exempted from the provisions of the fourth section of the act entitled, "An act to establish public schools," approved the seventeenth day of April, in the year eighteen hundred and forty-six; and that it shall hereafter be lawful for the inhabitants of the township of Elizabeth aforesaid, and they are hereby authorized and empowered, at their annual town meetings, to raise by tax, or otherwise, in addition to the amount

apportioned to them out of the school fund of this state, such further sum or sums of money as they may deem proper, not exceeding two thousand dollars, for the support of public schools, to be appropriated for that purpose, in accordance with the provisions and directions of the aforesaid act, and the supplement or supplements thereto.

Approved March 2, 1849.

AN ACT to annex part of the township of Upper Freehold, in the county of Monmouth, to the township of Plumsted, in said county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Upper Freehold, in the county of Monmouth, included in the following boundaries, to wit: beginning at the mouth of Lahway, at its junction with Crosswicks creek; thence, down the middle of said Crosswicks creek, to the Burlington county line; thence southwardly, along the division line between the counties of Burlington and Monmouth, to the northwest corner of the township of Plumsted, at Arneytown; thence, along the middle of the Hornorstown road, to the Crosswicks creek; thence, down the middle of said creek, to the place of beginning, shall be, and the same is hereby set off and annexed to the township of Plumsted, in said county. Part of Upper Freehold annexed to Plumsted.

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

Approved March 2, 1849.

AN ACT for the appointment of trustees for the Camden Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Browning, Thomas H. Dudley, and Isaiah Toy be, and they are hereby created trustees for the purpose of taking charge of the stock, property, Trustees for company.

and effects of the Camden Insurance Company, and that they are hereby invested with all the power over the property, effects, rights, and credits of the said company, that the directors have heretofore possessed; and that it shall be the duty of the said trustees to collect the debts due to, and to dispose of all the property of the said company, reserving to the bona fide creditors of the said company all the liens which they now have on the assets of the said company, and to divide the proceeds thereof, ratably among their creditors; and if there shall be a surplus, after paying all the said creditors and the expenses of this trust, they shall pay the balance over to the stockholders, in proportion to their respective shares, under the direction of the chancellor, as herein after provided.

Trustees to make report.

2. *And be it enacted*, That the said trustees shall be subject to the same restrictions as if appointed by the chancellor of this state in like cases, and shall make report to the chancellor of their proceedings under this act; and the court of chancery is hereby invested with full power to carry out the provisions of this act.

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

Approved March 2, 1849.

AN ACT to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes.

Nature of certificate to be made and filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, exceeding four, to associate themselves into a company to carry on any kind of manufacturing, mining, mechanical, agricultural, or chemical business, within this state, and also for purposes of inland navigation, upon making a certificate in writing, under their hands and seals, setting forth—

First. The name assumed to designate such company, and to be used in its business and dealings;

Second. The place or places where the business of such company is to be conducted, and the objects for which the company shall be formed;

Third. The total amount of the capital stock of such company, which shall not be less than ten thousand dollars, the

amount with which they will commence business, which shall not be less than six thousand dollars, and the number of shares into which the same is divided;

Fourth. The names and residences of the stockholders, and the number of shares held by each;

Fifth. The periods at which such company shall commence and terminate, not exceeding fifty years; which certificate shall be proved or acknowledged, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the office or place of business of such company shall be established; and, after being so recorded, shall be filed in the office of the secretary of state.

Certificate to be evidence.

2. *And be it enacted*, That the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places for and against any such company.

Company incorporated on filing certificate.

3. *And be it enacted*, That upon making said certificate, and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be, from the time of commencement fixed in said certificate, and until the time limited therein for the termination thereof, incorporated into a company, by the name mentioned in said certificate; *provided*, that the legislature may at pleasure dissolve any company created by virtue of this act.

Powers and liabilities.

4. *And be it enacted*, That all companies that may be hereafter established within this state, under the provisions of this act, and also the officers of every such company, and the stockholders therein, may exercise the powers, and shall be governed by the provisions, and be subject to the liabilities herein after provided.

General powers.

5. *And be it enacted*, That every such company shall have power in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and change, alter, and renew the same at pleasure; and, by its corporate name, shall in law be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandise, whatsoever, necessary or useful for said company to carry on their operations, and all other real estate which shall have been bona fide mortgaged to the said company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decrees which shall be obtained for such debts; *provided always*, that no part of the funds of such company shall be

Proviso.

used or employed at any time in banking operations, or for any other purpose inconsistent with the provisions of this act, or with the objects for which the company shall be formed.

Directors to be stockholders.

6. *And be it enacted*, That the business of every such company, shall be managed and conducted by the directors thereof, who shall respectively be shareholders therein, and a majority of whom shall be residents of this state, and such other officers, agents, and factors as the company shall think proper to authorize for that purpose; and every such company shall have a secretary and treasurer.

Election of directors.

7. *And be it enacted*, That the directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of the company, and shall hold their offices for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, who shall be a resident of this state, either by the directors or by the stockholders, as shall be directed by the by-laws.

Secretary and treasurer.

8. *And be it enacted*, That the secretary and treasurer shall also be chosen annually, either by the directors or the stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall be sworn to the faithful discharge of his duty, and shall record all the votes of the company and directors, in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; and the treasurer shall give bond in such sum, and with such sureties, as shall be required by the by-laws, for the faithful discharge of his duty.

Other officers.

9. *And be it enacted*, That all other officers, agents, and factors of the company shall be chosen in such manner, and hold their offices for such terms, as shall be directed by the by-laws.

By-laws.

10. *And be it enacted*, That every such company may make by-laws for their own regulation and government, with penalties for the breach thereof, not exceeding twenty dollars; *provided*, that such by-laws shall not be repugnant to the provisions of this act, or to the constitution and laws of this state or of the United States.

Company may make by-laws.

11. *And be it enacted*, That at all meetings of the company, absent stockholders may vote by proxy, authorized in writing; and every company may determine, by its by-laws, the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend, either in person or

by proxy, or what number of shares or amount of interest shall be represented at any meeting, in order to constitute a quorum; and if the quorum shall not be so determined by the company, a majority of the stockholders in interest shall constitute a quorum.

Notice of first meeting.

12. *And be it enacted*, That the first meeting of every such company shall be called by a notice, signed by a majority of the persons named in the before mentioned certificate, and designating the time, place, and purposes of the meeting; and such notice shall, three weeks at least before the time of such meeting, be published in some newspaper of the county where the corporation may be established, or if there be no newspaper in the county, then in a newspaper of an adjoining county.

Certificates of stock.

13. *And be it enacted*, That every stockholder shall have a certificate, signed by the treasurer, certifying the number of shares owned by such stockholder in said company.

Capital stock may be increased.

14. *And be it enacted*, That every such company may, at any meeting called for that purpose, increase its capital stock, and the number of shares therein, until it shall reach the amount named in the original certificate; and in case more capital is necessary, an additional certificate shall be filed, under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be proved or acknowledged and recorded in the manner heretofore provided for in this act; *provided*, that for all stock issued under such supplemental certificates, such company, its directors, and stockholders, shall be entitled to all the benefits, and subject to all the liabilities contained in this act.

Stock transferable.

15. *And be it enacted*, That the shares of stock in every such company shall be deemed personal property, and shall be transferable on the books of such company, in such manner as the by-laws may provide; and whenever any transfer of shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of said transfer.

Assessments may be made

16. *And be it enacted*, That the directors of every such company may, from time to time, assess upon each share such sums of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited under the third article of the first section of this act; and such sums so assessed shall be paid to the treasurer, at such times and by such instalments as the directors shall direct, said directors having given thirty days' notice of the time and place of such

payment in a newspaper circulating in the county where such company is established.

Stock may be sold for nonpayment of assessment.

17. *And be it enacted*, That if the owner or owners of any share or shares, shall neglect to pay any sum or sums duly assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the treasurer of the company may sell, at public auction, such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest and all necessary incidental charges; *provided*, two-thirds of the stockholders in interest shall so direct.

Notice of sale.

18. *And be it enacted*, That the treasurer shall give notice of the time and place appointed for such sale, and of the sum due on each share, by advertising the same three weeks, successively, before the sale, in some newspaper circulating in the county where such company is established, and shall transfer such shares to the purchaser, who shall be entitled to a certificate therefor.

Certificate of payment of stock to be made.

19. *And be it enacted*, That the president and directors, with the secretary and treasurer of each company, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in in cash; which certificate shall be signed and sworn or affirmed to by the president, secretary, and treasurer, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in a book to be kept for that purpose in the office of the clerk of the county wherein the business is conducted, or where their principal place of business or office is located, and also, to be published for three weeks in a newspaper circulating in said county.

Certificate of increase of capital to be made.

20. *And be it enacted*, That if any of the said companies shall increase their capital stock, as before provided in this act, the officers mentioned in the preceding section, within thirty days after the payment of the last instalment of such additional stock, shall make a certificate of the amount so added and paid in in cash, and sign and swear or affirm to the same, and cause it to be recorded and published in the manner provided in the preceding section.

Penalty for neglect of duty.

21. *And be it enacted*, That if any of the said officers shall neglect or refuse to perform the duties required of them in the two preceding sections, or the certificate made by them shall be untrue, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded as aforesaid.

22. *And be it enacted*, That every such company may, by a vote of two-thirds in interest of the stockholders, or their legal representatives, at any meeting called for that purpose, reduce its capital stock or change the nature of their business; and in such case a certificate of the proceedings, signed and acknowledged, as is provided in section first, part fifth, shall, within thirty days after the passing thereof, be recorded in the said book in the clerk's office for the county wherein the business is conducted, or where their principal place of business or office is located, and published for three weeks in a newspaper circulating in said county; and in default thereof, the directors of the company shall be jointly and severally liable for all debts of the company contracted after said thirty days, and before the recording of the copy of the vote as aforesaid; and the stockholders shall also be liable for any such sums as they may respectively receive of the amount so withdrawn. Capital stock may be reduced.

23. *And be it enacted*, That if any part of the capital stock of said company shall be withdrawn and refunded to the stockholders, before the payment of all the debts of the company contracted previously to the recording and publishing of a copy of a vote for that purpose, as prescribed in the preceding section, the president and directors of the company shall be jointly and severally liable for the payment of the said last mentioned debts; and the stockholders shall also be liable for any such sums of money, as they may respectively receive of the amount so withdrawn. Penalty in case of withdrawing or refunding capital.

24. *And be it enacted*, That every such company shall give notice in the month of January, annually, in some newspaper circulating in the county where the business is conducted, of the amount of stock actually paid in and the amount of existing debts, and the amount of all the assets of the said company deemed good, which notice shall be signed by the president and a majority of the directors, and verified by their oaths or affirmations; and if any of said companies shall fail so to do, the president and directors of such company shall be jointly and severally liable for all the debts of the company then existing. Annual statement to be made.

25. *And be it enacted*, That if the directors of any such company shall declare and pay any dividend when the company is unable to pay its debts, or any dividend, the payment of which would render it so unable, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office; and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and, in case of being so absent or so ob- Penalty for declaring dividends improperly.

jecting, shall file their objection in writing with the secretary of the company, and publish the same in a newspaper circulating in the county wherein the said company is located, such directors shall be exempted from the said liability, and the stockholders shall be liable to refund any dividend unlawfully made and received by them.

Penalty for loans to stockholder.

26. *And be it enacted*, That no note or obligation given by any stockholder, whether secured by any pledge or otherwise, shall be considered as payment of any part of the capital stock; and no loan of money shall be made to a stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

Debts not to exceed capital paid in.

27. *And be it enacted*, That the whole amount of the debts which any such company shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose administration it shall happen shall be jointly and severally liable, to the extent of such excess, for all the debts of the company then existing, and for all that shall be contracted, so long as they shall respectively continue in office, until the debts shall be reduced to the said amount of the capital stock: *provided*, that any of the directors who shall be absent at the time of contracting any debt contrary to the foregoing provisions, or who, being present, shall object thereto, may exempt themselves from the said liability, by forthwith giving notice of the fact to the stockholders, at a meeting which they may call for that purpose.

Secretary's office to be in this state.

28. *And be it enacted*, That every corporation created under the provisions of this act, shall keep the office of its secretary, together with its records and papers, at some place within this state.

Meeting, how called in certain cases.

29. *And be it enacted*, That whenever, for want of sufficient by-laws for the purpose, or of officers duly authorized, or from the improper neglect or refusal of such officers, or from other legal impediment, a legal meeting of any company cannot be otherwise called, three or more stockholders thereof may call a meeting of the company, by giving ten days' notice in a newspaper circulating in the county wherein the business is conducted, or where their principal place of business or office is located; and such meeting, so called, shall be a legal meeting of the company; and if there be no officers of the company present, whose duty it is to preside at meet-

ings, the stockholders present may elect officers for the meeting; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

Penalty for false certificates, &c.

30. *And be it enacted*, That if any certificate made, or any public notice given, by the officers of any company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

Suits against officers or stockholders.

31. *And be it enacted*, That when any of the officers of any company, or stockholders thereof, shall be liable, by the provisions of this act, to pay the debts of such company, or any part thereof, any person to whom they shall be so liable may have an action on the case against any one or more of the said officers or stockholders; and the declaration in such action shall state the claim against the company, and the ground on which the plaintiff expects to charge the defendants personally; and such action may be brought, notwithstanding the pendency of an action against the company for the recovery of the same claim or demand; and both of the said actions may be prosecuted, until the plaintiff shall obtain payment of his debt and the costs of both actions.

Remedy may be had in chancery.

32. *And be it enacted*, That when any of the said officers or stockholders are liable, as mentioned in this act, for the debts of any such company, or any part thereof, the person to whom they are so liable may, instead of the other proceedings mentioned in this act, have his remedy against the said officers or stockholders by a bill in chancery.

Officer paying debts of company may recover.

33. *And be it enacted*, That any officer or stockholder of a company, who shall pay any debt of the company for which he is made liable by the provisions of this act, may recover the amount so paid, in an action against the company for money paid for their use, in which action the property of the company, only, shall be liable to be taken, and not the property of any stockholder.

Agents, &c., to furnish information to public officers.

34. *And be it enacted*, That every agent or other person having charge of any property of such company, on request of any public officer, having for service a writ of execution against such company, shall furnish the names of the directors and secretary, or stockholders thereof, and a schedule of all its property, including debts due or to become due to such company, so far as he may have knowledge of the same.

35. *And be it enacted*, That if any such officer, holding an

Evidences of debts due company may be taken in execution.

execution, shall be unable to find other property belonging to such company liable to execution, he, or the judgment creditor, may elect to satisfy such execution, in whole or in part, by any debts due such company, not exceeding the amount thereof; and it shall be the duty of any agent or other person having the custody of any evidence of such debt, to deliver the same to the officer, for the use of the creditor; and such delivery, with a transfer to the officer in writing, for the use of the creditor, and notice to the debtor, shall be a valid assignment thereof; and such creditor may sue for and collect the same in the name of such company, subject to such equitable set-offs on the part of the debtor as may be in other assignments.

Penalty for neglect of agent.

36 *And be it enacted*, That every such agent, or other person, who shall neglect or refuse to comply with the provisions of the two preceding sections, shall be himself liable to pay to the execution creditor the amount due on said execution, with costs.

Administrator, &c., may vote as stockholder.

37. *And be it enacted*, That every person holding stock in any company authorized by this act, as executor, administrator, guardian, or trustee, shall represent the share or stock in his hands at all meetings of the company, and may vote, accordingly, as a stockholder; and every person who shall pledge his stock, as collateral security, may nevertheless represent the same at all such meetings, and may vote, accordingly, as a stockholder.

Companies dissolved may continue for purpose of settling.

38. *And be it enacted*, That all corporations created under the provisions of this act, which shall expire by their own limitation, or shall be annulled by the legislature or otherwise, shall nevertheless be continued bodies corporate for the term of five years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation may be established.

Chancellor may appoint receivers.

39. *And be it enacted*, That when any such company shall be dissolved, as mentioned in the preceding section, the chancellor, on application of any creditor or stockholder of such corporation, at any time within the said five years, may appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation or otherwise, all such suits as may be neces-

sary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such receivers may be continued beyond the said five years, and as long as the chancellor shall think necessary for the purposes aforesaid.

Chancellor to have jurisdiction.

40. *And be it enacted*, That the chancellor shall have jurisdiction of said application, and of all questions arising in the proceedings thereon, and may make such orders, injunctions, and decrees therein as justice and equity shall require.

Receivers to make dividends.

41. *And be it enacted*, That the said receivers shall pay all debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of said debts and necessary expenses, the receivers shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

Labourers to have lien on assets.

42. *And be it enacted*, That in case of the insolvency of any company formed under the provisions of this act, the labourers in the employ of said company shall have a lien upon the assets thereof, for the amount of wages due to them respectively, which shall be paid prior to any other debt or debts of said company.

Act may be amended.

43. *And be it enacted*, That the provisions contained in this act may be amended or repealed at the pleasure of the legislature, and every company created under this act shall be bound by such amendments; but such amendment or repeal shall not take away or impair any remedy against any such corporation or its officers for any liability which shall have been previously incurred.

Property, how vested on dissolution.

44. *And be it enacted*, That on the final dissolution of any corporation created under this act, all its real and personal estate, not legally disposed of, shall be vested in the individuals who may be stockholders at the time of such dissolution, in their respective proportions, and they shall hold the same as tenants or owners in common.

Former act repealed.

45. *And be it enacted*, That "An act to authorize the establishment, and to prescribe the duties of manufacturing companies," approved February twenty-fifth, eighteen hundred and forty-six, be, and the same is hereby repealed; but no company

established under the said act, or any person having claims or demands against said company, shall be affected by the repeal thereof.

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

Approved March 2, 1849.

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

Part of former act repealed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-ninth section of the act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, be, and the same is hereby repealed.

Approved March 2, 1849.

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

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much and such parts of the several acts of incorporation in this state, as prohibits stockholders residing out of the state, from voting on stock held by them, be, and the same are hereby repealed.

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

Approved March 2, 1849.

A supplement to an act entitled, "An act for the better regulation of actions of replevin," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any sheriff shall have heretofore taken, or shall hereafter take, any bond by virtue of the seventh section of the act to which this is a supplement, and such sheriff shall have absconded or removed from out of this state, or shall hereafter abscond or remove out of this state before assigning such bond to the plaintiff, or his lawful representatives, pursuant to the said section, that in such case it shall be lawful for any successor in office of the sheriff who shall have taken such bond, to assign the same in writing, under his hand and seal, to the plaintiff in the action wherein the said bond was taken, or to his lawful representatives, who are hereby authorized, if the said bond shall have been, or shall become forfeited, to bring an action, and recover thereupon, in his or their own name. Bond may be assigned to plaintiff.

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

Approved March 2, 1849.

AN ACT to amend the act entitled, "An act to incorporate the Hudson Manufacturing Company," approved February twenty-sixth, eighteen hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company, in addition to the powers given by the act incorporating the same, shall have power to manufacture gutta percha, in all its varieties, and to purchase and hold such patents for the preparing or manufacturing the same; and to sell such patents, or rights under such patents, for manufacturing the same, as the directors may consider advisable or advantageous; and shall also have power to purchase and hold such other real and personal estate as the directors may deem necessary or advantageous, and also to sell or mortgage the same, or any part thereof; and also to carry on the manufacture of gutta percha and the other manufacturing business provided for in the act hereby amended, at such place, Additional powers to company.

in the state of New Jersey, as the directors may deem most for the interests of the company.

Office of secretary.

2. *And be it enacted*, That the office of the secretary of the company shall be kept at East Newark, or at such other place in the state of New Jersey where the manufacturing business of the company may be carried on; and the fifty thousand dollars, provided to be paid in by the fourth section of the act hereby amended, may be paid in, instead of cash, in machinery and gutta percha fabrics and materials; and the shares of said company may be divided into shares of twenty-five dollars each.

Approved March 2, 1849.

AN ACT to incorporate the Belleville and Newark Plank Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Van Renssalaer, William Wright, George Bird, Elias Van Arsdale, Algernon S. Hubbell, Uriah Hendricks, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Belleville and Newark Plank Road Company," and by that name they and their successors shall be known in law.

Amount of capital stock.

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

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 receive subscriptions for the capital stock of said corporation; and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscriptions, at such times and places as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places in two of the newspapers published in Newark, and in such other newspapers as the said commissioners, or a majority of them, shall deem advisable; and at such times and places, so fixed, the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock; and if more shall be subscribed than by

this act is authorized, the said commissioners, or a majority of them, shall apportion the same, as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, two dollars and fifty cents on each share subscribed shall be paid to the said commissioners, in gold or silver, or legal current bank notes; and the residue may be called in, and shall be paid at such times and in such amounts, by instalments, as is by this act herein after directed.

Election of directors.

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

Directors to elect officers.

5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, who shall be a resident of this state, and such other officers, with such salaries as they may deem proper; and shall and may employ such artificers, agents, labourers, and workmen, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain, and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall from time to time be necessary to effectuate this charter; and a majority of the said board shall, at all times, be a quorum for the transaction of business; and may have power to call in the remainder of the capital stock of said corporation, by instalments not exceeding two dollars and fifty cents on each share, by giving thirty days' notice of such required instalments in one or more newspapers circulating generally in the neighbourhood where such stockholders reside; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he she, or they, so neglecting or refusing, shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as

to them shall seem just; *provided always*, that no by-law or regulation of said company shall be inconsistent with, or repugnant to the constitution or laws of this state or of the United States, or this charter.

Commissioners to pay over money to directors.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they, or a majority of them, shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed for books, printing, or other expenditures, and the sum of one dollar per day for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation; and such directors, so annually chosen, shall, in like manner, have power to elect their president, and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this act herein before provided; and shall and may have power, at all times, to remove their officers and other persons appointed, and to appoint others in their stead, if the interest of the company shall require it; and also have power to fill all vacancies in the offices of said corporation, which may or shall happen by death, resignation, or otherwise.

Charter not forfeited for failure to elect on day prescribed.

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

Company authorized to construct road.

8. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding sixty feet in width, to commence in or near the city of Newark, and passing in the most eligible route to its point of termination in the township of Belleville; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed

upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of the lands through which the said road may be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent, in writing, of the owner or owners of such land be first had and obtained; *provided*, that no steam power shall be used, nor iron rails, or other obstructions to common travel, placed thereon.

Description of road.

9. *And be it enacted*, That there shall be formed and constructed by said company, in the centre of the road to be surveyed and laid out as aforesaid, a special artificial road, with one track of not less than twelve feet in width, or with two tracks of not less than eight feet in width, of good substantial plank or timber, laid down in a firm and workmanlike manner, and to keep the same at all times in good repair, so as to present a firm, smooth, and even surface, at all seasons of the year; and that the same shall in no case rise above four degrees in a parallel with the horizon.

Proceedings in case company and owners of land cannot agree.

10. *And be it enacted*, That if the owners of the land on which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such land and all damages sustained, who shall be sworn before said justice faithfully to execute the duties of such appointment; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be

by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said land lies, there to be recorded, and kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said land lies, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party, of such appeal; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same; and, if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee-simple of all such lands and real estate so appraised as aforesaid; and in case the said road shall be vacated or abandoned by the company, the land so taken shall revert to the original owners, or their heirs or assigns.

Proceedings in case of legal disability of owners.

11. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, or the amount found by a jury, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners; all which proceedings, as well under this, as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, above provided for; and the said justice shall and may direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Rates of toll.

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

gates and turnpikes across the said road, and demand and receive toll for each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, three cents.
For every additional beast, two cents.
For every horse and rider, or led horse or mule, two cents.
For every dozen of calves, sheep, or hogs, and so in proportion for a greater or less number, six cents.
For every dozen of horses, mules, or cattle, and so in proportion for a greater or less number, twenty-four cents.
And it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes, until the toll, as above specified, has been paid for them respectively.

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

Milestones to be erected.

14. *And be it enacted*, That before the said company shall demand or receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road in Newark; and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalty for injuring works.

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

Penalty for unnecessary delay.

16. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Travellers to keep to the right.

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

Limitation.

18. *And be it enacted*, That this act shall take effect immediately, and shall be and remain in full force for the term of thirty years; and the said corporation shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved March 2, 1849.

AN ACT to incorporate a company to build bridges over the Hackensack river and Berry's creek.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert R. Terhune, Richard Outwater, Richard Morrell, Enoch Vreeland, Cornelius G. Van Riper, John A. Post, William L. Andruss, and Melancthon S. Wickware, 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 politic and corporate, in fact and in name, by the name of "the Lodi Toll Bridge Company;" and, by that name, they and their successors and assigns shall and may have continued succession, and shall be

Style of corporation and general 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 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 necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers, and privileges pertaining to corporate bodies, and requisite for the purposes aforesaid.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed twenty thousand dollars, and shall be divided into shares of fifty dollars each; which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places in this state, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Paterson, and in a newspaper printed at Jersey City, provided a newspaper shall be published at that place; and that the said books shall be kept open for three days at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock hereby authorized, it shall be the duty of the said commissioners, or a majority of them, to apportion the stock among the subscribers, in proportion to their subscriptions.

Annual election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and whenever ten thousand dollars of the said capital stock shall be subscribed for, and the first instalment paid in, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose five directors, a majority of whom shall be residents of this state; and such election shall be by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named

persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the said subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents in this state; and the time and place of holding the first meeting of directors, shall be fixed by said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That in case an election of directors should not be made during the day when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be afterwards held according to law, on notice as aforesaid; and the directors for the time being shall continue in office until an election shall take place.

Shares forfeited for nonpayment of instalments.

6. *And be it enacted*, That three directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock, by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct; and in case of the nonpayment of any such instalment, to forfeit the share or shares upon which default shall arise; and shall have power to appoint a secretary, treasurer, agents, and such workmen and servants as may be required to transact the business of the company, with such compensation to them and the president as the board shall deem proper, and to take from the treasurer sufficient security for due performance of his trusts; and further, to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper; *provided*, the same be not repugnant to the laws or constitution of this state or of the United States.

7. *And be it enacted*, That the said company be, and they

are hereby authorized and invested with all the rights and powers necessary and expedient to build and construct bridges across the Hackensack river and Berry's creek, upon or near the line of the road laid out by surveyors of the highways of the counties of Bergen and Hudson, on the twenty-fifth day of May, one thousand eight hundred and forty-eight, from a stake on the east side of the road leading from Acquackanonk bridge to Belleville, in the line between the counties of Bergen and Hudson, to a stake on the north side of the road crossing the island of Secaucus, in front of the house late of Philip Smith, deceased, and to repair, and put and keep the said road in good condition and repair, with stone, sand, or gravel, or such other substances and materials as the said directors may determine, in order to maintain at all times, so long as the said road remains a public highway, a good and safe way for the passage of public travel.

Company authorized to build bridges over certain streams.

8. *And be it enacted*, That the said bridge across Berry's creek shall be built with a draw, of equal width with the draw in the former bridge over said creek at the same place, for the free passage of vessels with standing masts; and that the said bridge across the Hackensack river shall be constructed of sufficient width for the convenience of public travel, and with side rails on each side, along the whole length thereof; and shall construct in said bridge a draw, that shall open at least forty feet wide for the free passage of such vessels with standing masts as shall pass up and down said river; and the said draw shall be constructed with piles and piers on each side, and, as near as may be, in that part of the said bridge where the draw was located in the former bridge at that place; and for the safety of navigators, a light shall be kept and maintained on one side of said draw during every dark night; and the said company shall keep, or cause to be kept, at the said bridge, a careful person to open the said draw for the free passage of vessels with standing masts; and for every wilful neglect in opening said draw, when necessary for the passage of such vessels, the said company shall forfeit any sum not exceeding twenty-five dollars, to be recovered by action of debt, before any court of competent jurisdiction, and shall also be liable to an action of damages at the suit of the party aggrieved.

Description of bridge.

9. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the said road, or any of the bridges, or necessary works or materials placed there, and appertaining thereto, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with

Penalty for injuring works.

costs of suit, in any court having competent jurisdiction, and, also, shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

Rates of toll.

10. *And be it enacted,* That as soon as the said company shall have completed the said bridges, and made and repaired the said road as aforesaid, it shall be lawful for the said company to erect and maintain turnpike gates across the bridge on Hackensack river, and at such other points on the said road as they shall deem expedient, and to demand and receive toll at the same, after the following rates:

For every score of sheep, hogs, or calves, ten cents, and so in proportion for a greater or less number.

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

For every sleigh or sled, drawn by one beast, passing over the whole line of said road, ten cents, and for every additional beast, six cents.

For every sleigh or sled drawn by one beast, passing over less than the whole line of said road, eight cents, and for every additional beast, four cents.

For every horse and rider, passing over the whole line of said road, six cents, and if passing over less than the whole line thereof, four cents.

For every cart, carriage, or wagon, drawn by one horse, and passing over the whole line of said road, eighteen and three-quarter cents, and for every additional beast, twelve and a half cents.

For every cart, carriage, or wagon, drawn by one horse, and passing over less than the whole line of said road, twelve and a half cents, and for every additional beast, six cents.

For every person travelling on foot, one cent.

And it shall be lawful for any tollgatherer of said company to stop any person or persons on foot, or riding, leading, or driving any horses, cattle, mule, sheep, hogs, or calves, travelling over said road, from passing through said gates, until they shall have respectively paid their toll, as above specified; *provided,* that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from a funeral, or any person passing to or from his common business upon his lands, if adjoining to his homestead farm.

Penalty for injuring gates.

11. *And be it enacted,* That if any person shall wilfully cut, break down, or destroy, or otherwise injure, any gate that shall or may be erected in pursuance of this act, or shall forcibly pass the same, without having paid the legal toll at such

gate, such person or persons shall forfeit and pay to the said company any sum not exceeding twenty dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction; and, also, shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

Penalty for unnecessary delay.

12. *And be it enacted*, That if any tollgatherer shall unnecessarily detain, delay, or hinder any traveller passing at any tollgate, or shall demand and receive more toll than is by this act established, he shall for every such offence pay the sum of twenty dollars, to be prosecuted for and recovered for the sole use of the person so hindered and delayed.

WHEREAS the toll house, and some of the materials of the bridges heretofore used on the line of said road, still remain —therefore,

Toll house, &c., to be sold if not removed.

13. *And be it enacted*, That if the said toll house, and parts and materials of the said bridges, shall not be removed from the line of said road within two months after the passage of this act, it shall be the duty of the chancellor of this state, upon application of said company, to appoint some fit and discreet person to make sale of the same at public vendue, giving notice of the time and place of sale, by advertisements put up in six public places in the counties of Bergen and Hudson, at least ten days before such sale; and the person making such sale as aforesaid, shall pay over the proceeds thereof, after deducting reasonable expenses of the application and sale, into the court of chancery, subject to the order of said court, to be paid to such person or persons as may be entitled thereto.

Public act.

14. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect from the passage thereof; and that the legislature may at any time hereafter alter, modify, or repeal this act, whenever in their opinion the public good shall require the same.

Approved February 28, 1849.

AN ACT to defray incidental expenses.

Treasurer authorized to pay certain incidental charges.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay to the several persons herein after named, the following sums, viz:

1. To Benjamin N. Read, bill of stationery, ordered by A. M. Cumming, clerk of Assembly, one hundred and fifteen dollars and eighty-two cents.

2. To George S. Green, Samuel S. Stryker, and Charles Parker, commissioners for appraising stock at the state prison, eighty-seven dollars.

3. To Fish & Green, for lumber, per bill, twenty-three dollars and ten cents.

4. To Stryker & Steward, for merchandise, per bill, one dollar and seventy-seven cents.

5. To Runyon Toms, for horse and carriage hire, for the use of the members of the legislature to and from the asylum, twenty-four dollars.

6. To Brittain & Jones, for printing, per bill, nineteen dollars and ninety-seven cents.

7. To George T. Weart, for horse and carriage hire, for the use of the members of the legislature, to and from the asylum, fifteen dollars.

8. To Samuel C. Farker, for carting cannon and apparatus, per bill, six dollars.

9. To L. S. Sutphin, for horse and carriage hire, for the use of the members of the legislature, to and from the asylum, five dollars.

10. To Brearley & Baker, for sundries for state house, per bill, ten dollars and eleven cents.

11. To J. W. Southard, for expenses procuring a requisition to remove Messrs. Beaches from the state of New York, thirty-eight dollars and fifty cents.

12. To Jos. P. Bradley, for counsel's fees and expenses, in the case of the requisition on the governor of New York, for the delivery of Messrs. Beaches, by authority of the state, fifty dollars.

13. To John Bank, for painting state house, one dollar and twenty-five cents.

14. To Sylvester Van Sickell, for cleaning carpets and other fixtures in state house, twenty dollars.

15. To B. W. Titus, for carpet for chancery room, fifty-nine dollars and fifty-six cents.

16. To Fish & Downing, for coal, per bill, twelve dollars and fifty cents.

17. To George Skillman, for horse and carriage hire, for

members and committee, to the asylum and state prison, per bill, fifteen dollars and fifty cents.

18. To James Wilson, for furniture for supreme court, twenty-one dollars and fifty cents.

19. To Trenton Water Works Company, for water, fifteen dollars.

20. To Sherman & Harron, for advertising lost laws, per bill, one dollar and fifty cents.

21. To William DeHart, state librarian, for cutting wood, making fires, &c., per bills, seventeen dollars and seventy-five cents.

22. To Joseph G. Brearley, for sundries for state house, per bill, thirty-two dollars and fifty cents.

23. To John C. Cook, for chairs for offices in state house, eighteen dollars.

24. To George H. Tindall, for repairs for state house, per bill, twenty-five dollars and twenty cents.

25. James M. Redmond, Joel W. Condit, and James Bishop, jointly, the sum of twelve dollars and twenty-five cents, for expenses incurred as members of the committee to investigate the Camden Insurance Company.

26. To E. Dolton, for tape and tacks for state house, per bill, forty-one cents.

27. To Upton & Miller, for heating apparatus and fixtures, three hundred and seventy-two dollars and seventy-six cents.

28. To Samuel Mairs, state treasurer, for incidentals, per bill, one hundred and thirty-six dollars and thirty-eight cents.

29. To C. Scott, for stationery bill, by the order of Samuel Mairs, esquire, state treasurer, sixty-eight dollars and twenty-two cents.

30. To Isaac Welch, for horse and carriage hire, to and from the asylum, for members of the legislature, sixteen dollars.

31. To Phillips & Boswell, for printing for asylum, pamphlets, &c., one hundred and twenty-eight dollars and seventy-five cents.

32. To Alexander M. Cumming, for sundry bills of stationery furnished the House of Assembly, four hundred and seventy-eight dollars and twelve cents.

33. To Amos Hoagland, for candles ordered by Thomas H. Jobes, one hundred and twenty-nine dollars and ninety-seven cents.

34. To the publishers of the several newspapers authorized by the secretary of state to publish the proposed tax bill, as ordered by resolution of the last session of the legislature, each twenty-three dollars.

35. To John B. Williams, esq., member elect from the county

of Monmouth (being deprived of attending this session of the legislature by indisposition), seventy dollars.

36. To Joseph H. Blackfan, for services rendered as private secretary to the governor, during the present session of the legislature, seventy-five dollars.

37. To Samuel Hart & Co., for sundries ordered by P. J. Gray, secretary of the Senate, three hundred and seventy dollars and sixty-three cents.

38. To Phillips & Boswell, for printing blanks for the office of secretary of state, seventy-nine dollars.

39. To C. Scott, for sundries ordered by Alexander M. Cumming, clerk, forty-six dollars and five cents.

40. To C. Scott, for stationery for supreme court, ordered by J. Wilson, clerk, sixty-eight dollars and sixty-three cents.

41. To C. Scott, for stationery, ordered by John J. Halsted, engrossing clerk for Senate, thirty-two dollars and eighty-seven cents.

42. To C. Scott, for stationery, ordered by M. F. Webb, engrossing clerk for Assembly, thirty-seven dollars and twenty-eight cents.

43. To C. Scott, for stationery, ordered by S. R. Gummere, clerk in chancery, one hundred and four dollars and thirty-two cents.

44. To C. Scott, for stationery, ordered by William De-Hart, state librarian, three dollars and twenty-five cents.

45. To C. Scott, for sundries, ordered by P. J. Gray, secretary of Senate, one hundred and five dollars and eighteen cents.

46. To Amos Hoagland, for candles, ordered by Wallace Taylor, doorkeeper of last session of the legislature, fifteen dollars.

47. To George Thompson, for sundries, ordered by A. M. Cumming, clerk, five hundred and eighty dollars and thirty cents.

48. To C. Scott, for sundries, ordered by C. G. McChesney, secretary of state, for executive and state office, one hundred and forty-one dollars and ninety-five cents.

49. To Phillip J. Gray, secretary of Senate, for bill of stationery, ninety-four dollars and forty-two cents.

50. To W. W. Norcross, for candles, ordered by Thomas H. Jobes, doorkeeper of Assembly, ninety-one dollars and fifteen cents.

51. To W. W. Norcross, for candles, ordered by S. Mairs, treasurer, eleven dollars and forty-one cents.

52. To Sherman & Harron, for advertising, printing pamphlets, bills, &c., for the Senate and House of Assembly, nineteen hundred and thirty-six dollars and fifty-five cents.

53. To Hutchinson & Clark, for sundries, ordered by J. A.

Canfield, sergeant-at-arms of Senate, fifty-three dollars and eighty-six cents.

54. To Amos Hoagland, for candles, ordered by J. A. Canfield, sergeant-at-arms of Senate, fifty-two dollars and thirty cents.

55. To Hutchinson & Clark, for sundries for Assembly, ordered by doorkeeper of Assembly, two dollars and twelve cents.

56. To J. A. Canfield, for sundries, one dollar and thirty-eight cents.

57. To Wm. B Kinney, for printing governor's proclamation, &c., five dollars and fifty cents.

58. To Joseph Pycraft, for attending furnaces at state house during session of legislature, fifty-four dollars.

59. To Francis J. Brognard, for services rendered as private secretary to the governor, during the session of the legislature of 1846, seventy-five dollars.

60. To each of the members of the Senate and General Assembly, any sum not exceeding ten dollars, for their postage and incidental expenses during the present session of the legislature.

61. To Amos Hoagland, for candles ordered by J. A. Canfield, sergeant-at-arms of Senate, thirteen dollars and twelve cents.

62. To William Pearson, for sundries and work done to locks, nineteen dollars and sixty-two cents.

63. To Thomas H. Jobes, for work, one dollar.

64. M. Vattemare's expenses in Trenton, five dollars.

Approved March 2, 1849.

JOINT RESOLUTIONS.

For the appointment of commissioners to investigate the charges made against the directors of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies.

Preamble.

WHEREAS it appears, by the message of his excellency the governor, and by petitions laid before the legislature, that certain charges have lately been made and promulgated touching the proceedings of the Camden and Amboy Railroad and the Delaware and Raritan Canal Companies, charging the said companies and their officers with certain fraudulent practices, whereby, if true, the state has been defrauded of large sums of money, payable under the charters of said companies, and the supplements thereto; and whereas his excellency the governor has thought fit, in said message, to recommend, and the petitioners have prayed that an investigation of said charges be made under the authority and direction of this legislature; and whereas a feeling of dissatisfaction is alleged to exist in reference to the general management of the affairs of said company; and whereas it appears to the legislature that it is due, as well to the state as to the said companies and their officers, that the said investigation should be made, to the end that, if well founded, the just rights of the state may be secured and protected, and if untrue, that the parties implicated may be acquitted of all unjust imputation—therefore,

Commissioners appointed.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Robertson, of the county of Morris, James S. Hulme, of the county of Burlington, and Alexander Wurts, of the county of Hunterdon, be, and they are hereby appointed commissioners, with full power and authority to investigate and inquire into the charges before mentioned, and particularly referred to and set forth in the message of the governor, and the documents accompanying the same, and in the petitions aforesaid; and also, so far into all the business and operations of the said companies, and the contracts

and agreements made by them with other persons, incorporations, and associations, from the date of their charters to the present time, as they shall deem necessary to secure the interests of the state; and that for this purpose they have full power and authority to send for persons and papers, and to swear and examine witnesses.

And be it further resolved, That said commissioners be requested to proceed with as much speed as may be consistent with a careful and thorough examination of the matters referred to, so that, if practicable, their report may be made to the present session, and if not, that they make their report to the next session of the legislature; and that, as soon as the said commissioners shall have completed their report, they file a copy of the same in the office of the secretary of state.

And be it further resolved, That as soon as the said commissioners shall have investigated the charges referred to in the message of the governor, and the documents accompanying the same, it shall be their duty to report the result of such investigation, and file the same, as before directed; and that they then proceed to make such further investigation into the business and operations of the said companies as they may deem necessary, in order to secure the interests of the state, and to make report thereon, and file the same, as before directed, with all convenient despatch.

Approved February 13, 1849.

For the relief of David Parker, of the county of Burlington.

Treasurer authorized to pay certain moneys.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized to pay to the said David Parker the net amount, not exceeding one hundred and fifty dollars, received, or which may be received, into the treasury of this state on account of a forfeited recognizance heretofore entered into by said David Parker, in the county of Burlington, for the appearance of one William Chase at the court of oyer and terminer and general jail delivery of said county of Burlington.

Approved February 14, 1849.

Relative to a light house at the mouth of Maurice river, and beacon lights in Newark bay.

WHEREAS the erection of a light house on the east point, at the mouth of Maurice river, in the county of Cumberland, and beacon lights at the following points in Newark bay, viz: on Bergen Point reef, and at the mouth of Passaic river, on the west side of Newark bay aforesaid, would greatly promote the safety of vessels navigating the Delaware bay and the Newark bay, and thereby conduce to the interests of navigation and commerce; and whereas an application from the citizens of this state for an appropriation for such object is now before Congress—therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in Congress be requested to use their influence to obtain a sufficient appropriation for the purpose of constructing a light house and beacon lights as aforesaid.

2. *Resolved*, That his excellency the governor of this state be requested to forward to each of our senators and representatives a copy of these resolutions.

Approved February 20, 1849.

Relative to the purchase of the lot adjoining the northwest corner of capitol grounds.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be hereby authorized to pay to the owner or owners of the house and lot of land adjoining the northwest corner of the capitol grounds, or to his, her, or their legal representatives, the sum of four thousand five hundred dollars, whenever he, she, or they shall execute a good and sufficient deed, to be approved by the attorney general, conveying to the state of New Jersey the aforesaid house and lot of land in fee-simple, free of all encumbrance; *and provided*, that delivery thereof be made to the commissioners, herein after appointed, before the first day of May, one thousand eight hundred and forty-nine. Treasurer authorized to pay purchase money

2. *And be it resolved*, That Samuel Mairs, Samuel R. Hamilton, and Charles G. McChesney are hereby appointed com- Commissioners to grade, &c.

missioners to carry into effect this joint resolution, and that they be instructed so to grade, plant, and enclose the lot of land, hereby authorized to be purchased, that it shall correspond, so far as is practicable, with the public improvements already made on the capitol grounds.

3. *And be it resolved*, That the said commissioners have full power to sell or remove said building from off the grounds; and that they report their proceedings to the next legislature.

Approved February 20, 1849.

Authorizing a contract for heating the state prison with steam.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the keeper of the New Jersey state prison, by and with the advice and consent, and under the direction of the acting inspectors of the same, is hereby authorized and directed to contract for the furnishing of the north wing of the prison with artificial heat by steam; and the said inspectors are hereby authorized to draw from time to time upon the treasurer for such sum or sums as may be necessary to defray the expenses of the same, not to exceed in the whole the sum of five thousand dollars; and the secretary of state shall audit the accounts of said inspectors.

Approved February 24, 1849.

Relative to an additional appropriation for the support of public schools.

Additional appropriation.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be authorized to pay from the treasury the sum of ten thousand dollars, to the trustees of the school fund, to be appropriated by them, in addition to the thirty thousand dollars which they are already required to appropriate out of the annual income of the school fund, for the support of public schools for the current year.

Approved February 28, 1849.

Relative to the Belvidere Delaware Railroad Company.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the Belvidere Delaware Railroad Company shall not be forfeited at the time limited for the completion of their railroad, by the act entitled "An act to extend the time for completing the Belvidere Delaware Railroad," approved March fourth, A. D. eighteen hundred and forty-seven; *provided*, the said railroad shall be at that time completed from some point in the city of Trenton to Lambertville, or any point above Lambertville; *and provided further*, that this exemption of the said company from the forfeiture of their charter is granted upon the express condition, that, until the said railroad shall have been fully completed, and put in good running order, none of the revenues, profits, or income, which may in any way accrue from any part of the said railroad, shall be divided among the stockholders of said company, or applied to any other use or purpose but to defray the necessary running expenses and repairs of the said railroad, and to extend, construct, and complete the whole line of the said railroad to Belvidere, in the county of Warren, otherwise the charter of the said company shall be forfeited. Charter modified.

Approved February 28, 1849.

Authorizing the commissioners appointed to investigate the affairs of the Camden and Amboy Railroad and Delaware and Raritan Canal Companies, to draw money from the treasury to pay the necessary current expenses of said investigation, and to provide for the payment of the services of said commissioners.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of paying the necessary current expenses incident to the investigation of the affairs and business of the Camden and Amboy Railroad and Delaware and Raritan Canal Companies, authorized by a joint resolution of this legislature, the commissioners, named in said resolution, be authorized to draw on the treasurer of this state, from time to time, for such sums of money as may be necessary for the purpose aforesaid, not exceeding one thousand five hundred dollars; and that the treasurer pay the drafts of said Payment of expenses.

commissioners, or any two of them, not exceeding in the whole amount the sum before mentioned; that said commissioners keep an account of the expenditures by them made, and render the same to the treasurer of this state.

Compensation to commissioners.

2. *And be it resolved*, That the said commissioners shall receive the sum of five dollars each, per diem, for the time they are actually occupied and engaged in the said investigation, to be paid to the said commissioners, respectively, by the treasurer of the state, out of any moneys in the treasury not otherwise appropriated, upon the order of the governor, or person administering the government, after the accounts or demands of the said commissioners for such compensation shall have been audited by the secretary of state.

Approved February 28, 1849.

Relative to the purchase of Revised Statutes.

Treasurer authorized to purchase.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized to purchase from Phillips & Boswell, for the use of the state, five hundred unbound copies of the Revised Statutes, at a price not exceeding two dollars and eighty cents per volume.

Approved March 1, 1849.

Against the extension of slavery into free territory, and the traffic in slaves in the District of Columbia.

WHEREAS this legislature, representing the views and opinions of the people of New Jersey, believing the institution of human slavery to be a great moral and political evil, and, if unrestrained by the general government, is calculated to sap the foundation of our social and political institutions—therefore,

1. RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That while we would refrain from all

manner of interference with the institution of slavery, in the states where it constitutionally exists, yet we would peaceably, but firmly resist, by all constitutional means, its further extension.

2. *Resolved*, That our senators and representatives in the Congress of the United States be, and they are hereby respectfully requested to use their most strenuous efforts to secure, in any law that may be passed for the establishment of state or territorial governments within the bounds of our newly acquired territory of New Mexico and California, a fundamental condition, or provision, that slavery or involuntary servitude, except as a punishment for crime, shall be for ever excluded from the said territory.

3. *Resolved*, That the existence of the traffic in slaves in the District of Columbia is inconsistent with the theory of our national institutions, and a reproach to us as a people, and ought, in the opinion of this legislature, to be speedily abolished; and that our senators and representatives be requested to use their influence in favour of this desirable object.

4. *Resolved*, That his excellency the governor of this state be, and he is hereby respectfully requested to transmit certified copies of the foregoing resolutions to each of our senators and representatives of the Congress of the United States from this state, with a request that they be laid before the bodies to which they respectively belong.

Approved March 2, 1849.

To authorize the treasurer to borrow money.

1. Be it resolved *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized to borrow, from time to time, for the use of the state, such sum or sums of money, as may be necessary to meet the expenses authorized by law, not exceeding twenty-five thousand dollars, at a rate of interest not exceeding six per cent. per annum. Treasurer authorized to borrow money.

Approved March 2, 1849.

To compensate the commissioners, therein named.

Compensation to commissioners.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized and directed to pay to the commissioners appointed by resolution of twenty-third of February, eighteen hundred and forty-eight, to investigate and report as to the extent and value of the lands under water owned by the state, within the limits of the county of Hudson, as follows:

To William H. Leupp, chairman of the said commissioners, for per diem, mileage, and drawing report, two hundred dollars.

To Martin J. Ryerson, one of said commissioners, for per diem, mileage, and services, one hundred and fifty dollars.

To George F. Fort, one of said commissioners, for per diem, mileage, and services, one hundred and fifty dollars.

To Andrew Clerk, for preparing map for the state, by order of said commissioners, seventy-five dollars.

Approved March 2, 1849.

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A C T S

INCORPORATING THE

DELAWARE AND RARITAN CANAL COMPANY,

THE

CAMDEN AND AMBOY RAILROAD AND TRANSPORTATION COMPANY,

AND THE

NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY,

WITH THE SEVERAL SUPPLEMENTS AND RESOLUTIONS RELATIVE THERETO.



TRENTON:

PHILLIPS & BOSWELL, PRINTERS.

1849.

STATE OF NEW JERSEY.

CONCURRENT RESOLUTION.

"RESOLVED (*Assembly concurring*), That the Secretary of State be directed to cause the several acts incorporating the Camden and Amboy Railroad, the Delaware and Raritan Canal, and the New Jersey Railroad and Transportation Company, together with all acts and resolutions, supplemental and relative thereto, now in force and effect, to be printed and bound with the acts of the legislature."

Concurred in February 22, 1849.

ACT OF INCORPORATION

OF THE

DELAWARE AND RARITAN CANAL COMPANY.

An Act to incorporate the Delaware and Raritan Canal Company.

Passed February 4, 1830.

Books to be opened.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That subscription books to the capital stock of the Delaware and Raritan Canal Company shall be opened, within six months after the passing of this act, by James Parker and James Neilson, of Middlesex, John Potter, of Somerset, William Halsted, of Hunterdon, and Garret D. Wall, of Burlington, or any three or more of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least three of the newspapers published in this state, three in the city of Philadelphia, and three in the city of New York.

Notice.

Capital stock to be divided into shares.

When company may be organized.

SEC. 2. *And be it enacted,* That the capital stock of the said company shall be one million of dollars, to be divided into shares of one hundred dollars each; and that when five thousand shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "the Delaware and Raritan Canal Company;" and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, holding, and conveying of real and personal estate; shall have perpetual succession, and power to make and use a common seal; and, by said corporate name, may sue and be sued, and shall have, enjoy, and exercise all the rights,

Powers.

powers, and privileges pertaining to corporate bodies, and necessary to perfect an expeditious and complete line of communication from Philadelphia to New York, and to carry the objects of this act into effect.

Subscriptions, how paid.

SEC. 3. *And be it enacted*, That, at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall, from time to time, direct and give public notice of; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments.

Shares, how forfeited.

Apportionment, and what subscriptions may not be reduced.

In what case, charter void.

SEC. 4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of said company, be not subscribed within one year from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid by them.

Money returned.

Meeting of stockholders to be called, and how.

SEC. 5. *And be it enacted*, That when five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year; of which election the

Election of directors.

said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy.

Election.

SEC. 6. *And be it enacted*, That, within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided: he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Compensation and duties of a president.

Vacancies, how supplied.

SEC. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act of any president or director; and may appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient: they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company, and management of its affairs; *provided*, the same are not repugnant to the laws of this state or of the United States.

Officers to be appointed.

By laws.

SEC. 8. *And be it enacted*, That at the annual meetings of the

Statement to be exhibited at annual meetings.

stockholders, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders a full and complete statement of the affairs of the company during the said term.

Special meetings.

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

Elections in certain cases.

SEC. 10. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the officers of the preceding year shall continue to hold their respective offices until others are elected in their stead; and that the charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Canal to be constructed, and navigation of river improved.

SEC. 11. *And be it enacted*, That it shall be lawful for the said canal company to construct, make, erect, and execute a canal or artificial navigation from the waters of the Delaware river to the waters of the Raritan, and to improve the navigation of the said rivers, respectively, as may from time to time become necessary, below where the said canal shall empty into the said rivers, respectively, which canal shall be at least fifty feet wide at the water line, and the water therein be at least five feet deep throughout; and the said company are hereby empowered to supply the said canal with water from the river Delaware, by constructing a feeder, which feeder shall be so constructed as to form a navigable canal, not less than thirty feet wide and four feet deep, to conduct the water from any part of the river Delaware.

Size of canal.

Feeder.

Further powers of company.

SEC. 12. *And be it enacted*, That it shall be lawful for the said company to construct, make, and execute all the locks, works, devices, wharves, tollhouses, and offices necessary for the use of

said canal and feeder; and it shall and may be lawful for the said company, by the president and directors, and by any agent, engineer, superintendent, or contractor, or any other person or persons employed in the service of said company, to enter, from time to time and at all times, upon all lands, whether covered with water or not, for the purpose of exploring or surveying the route or routes for said canal and feeder, and locating the several works, as above specified, doing thereunto no unnecessary damage; and when the said route or routes shall have been fixed upon, and its several works located, by the president and directors, or a majority of them, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for them, and for any agent, superintendent, engineer, contractor, or any person or persons employed in the service of said corporation, 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 is herein after directed.

Compensation to owners of land, how made.

SEC. 13. *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, and the damages sustained by such owner or owners, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company, in the construction of the said canal and feeder, 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 twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or owners reside, commissioners

Notice to be given.

Commissioners appointed.

to examine and appraise the said land or materials, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages; and, after taking into view the benefits that will result from the canal or feeder to the owner or owners of the lands or materials, shall report what sum, if any, shall be paid by the said company for such lands and 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 lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said 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 the demand is 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 reasonble notice to the others, tax and allow such costs, fees, and expenses, to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Oath.

Damages, how ascertained.

Lien.

Costs.

SEC. 14. *And be it enacted*, That in case the said company,

or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, 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, having regard to the benefits aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favour 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; *provided*, that such application shall not prevent the company from taking the said land or materials, upon the filing of the aforesaid report.

Trial, when had at the circuit.

Damages, how assessed.

SEC. 15. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, labourers, and other person or persons by them employed, with carts, wagons, and other carriages, and with their beasts of burthen and draught, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route or track of the canal and feeder, doing as little damage thereto as possible, repairing any breaches they make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand, earth, or other materials, there being most conveniently situated, and being most suitable for making or repairing said canal or feeder, or the locks and other devices before mentioned, thereto belonging, the said owners or occupants being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within twelve

Company may take materials, &c.

Compensation.

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 it shall be lawful for the said company to apply to one of the justices of the supreme court, not being a stockholder or interested in any way, and in case he shall be a stockholder or interested, then to one of the judges of the court of common pleas, not being a stockholder nor in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of the state, not resident in the county where such lands lie; and thereupon the said appraisers, having given at least fifteen days' notice, in the manner aforesaid, of the time and place of their meeting to the owner or owners, occupant or occupants, or person or persons having charge of such lands, to meet at such time and place, and, having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials, and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement, under their hands and seals, and deliver the same into the office of the secretary of the state of New Jersey, which said valuation and appraisement shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such owner or owners of such land, in any suit to be brought therefor; and every such owner or owners of the said land, having first made demand of the said company for the amount so valued and appraised, may sue for and recover the same, by action of debt, with costs of suit.

How ascertained in case of disagreement.

Bridges to be built.

SEC. 16. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair good and sufficient bridges or passages over the said canal and feeder, where any public or other roads shall cross the same, so that the passage of carriages, horses, and cattle, on said roads, shall not be prevented thereby; and also, where the said canal or feeder shall intersect the farm or lands of any individual, to provide and keep in repair a suitable bridge or bridges as aforesaid, so that the owner or owners and others may pass the same.

Tolls demandable.

SEC. 17. *And be it enacted*, That the said company are hereby authorized to demand and receive such sum or sums of mo-

ney, for tolls and the transportation of persons, and every species of property whatsoever, on said canal and feeder, as they shall, from time to time, think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per ton per mile toll for the transportation of every species of property, nor more than five cents per mile toll for the carrying of each passenger on the canal, and not more than half that rate of toll on the feeder; and that the said canal and feeder, and their appendages, and the land over which the same shall pass, and all the works and improvements, and all other property, whatever, belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance of this charter; and the shares of the capital stock shall be deemed and considered personal estate; *provided always*, that in case the said company shall not complete the canal and feeder within the time herein before limited, or, if after the same is completed, shall abandon the said canal and feeder, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said canal and feeder shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs or assigns; *provided always*, if the state of New Jersey shall take possession of said canal and feeder, then the said canal and feeder, and the title to the said lands, shall be, and hereby are vested in the state of New Jersey, to be used or disposed of as the legislature may deem proper.

Rates of toll.

Shares personal estate.

When charter annulled.

Canal, &c., when vested in the state.

SEC. 18. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper of the net profits thereof; and shall semi-annually declare such dividend, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively; or, in case they fail so to do, assign their reasons to the stockholders, in writing, for not doing so.

Dividends, when made.

SEC. 19. *And be it enacted*, That, under the powers, restrictions, and conditions, stipulated and prescribed in the foregoing enactments, it shall be lawful for the company aforesaid to alter

Rates may be altered.

any part or parts of the route of the canal or feeder, if in constructing the same they meet with any insurmountable obstructions, arising from rocks or other physical causes, making compensation to owners, as herein before directed; and that it shall not be lawful for any person or persons, body corporate or politic, whatsoever, to construct any canal within five miles of any point of the said canal or feeder, without the consent of the said company, expressed in writing under their common seal, saving to any person or persons, body politic or corporate, any of their just and legal rights already vested, to the contrary of this prohibition; and it shall be the duty of the chancellor of this state, upon an application made therefor, by bill in due form of law, by the said company, to issue his injunction to stay and prevent the erection and construction of any such canal.

No other canal to be made within five miles.

Public highway.

SEC. 20. *And be it enacted*, That the said canal and feeder, and the works to be erected thereon, in virtue of this act, for the transportation of passengers and freight, as aforesaid, when so far completed as to be used, shall be esteemed a public highway, free for the transportation of passengers, or any goods, commodities, or produce whatever, on payment of the established tolls.

Penalty for injuries, &c.

SEC. 21. *And be it enacted*, That if any person or persons shall, in any manner, wilfully or maliciously destroy, injure, or obstruct said canal or feeder, or any of their parts or works therewith connected, or unnecessarily and maliciously open any gates thereon, he, she, or they shall forfeit and pay to the said company any sum not exceeding one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt, and also be liable to pay double the amount of damages sustained thereby.

Capital stock may be increased.

SEC. 22. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company, any sum not exceeding five hundred thousand dollars, by increasing the number of shares for that purpose.

One-fourth reserved for the state.

SEC. 23. *And be it enacted*, That the legislature of this state shall have the right of subscribing for one-fourth of the capital stock of the company created by this act, and in case the state shall so subscribe, it shall have the appointment of two of the directors of the said company; or if the state shall subscribe for a

less number of shares, then the state shall have the appointment of one director, which director or directors shall be appointed in such manner as the legislature shall by law direct; *provided always*, that if the legislature shall omit or refuse to authorize such subscription as aforesaid, for the space of two years after the said company shall have fixed upon and agreed to the size, dimensions, and routes, or location, of the said canal and feeder, then the said right to subscribe shall cease; *and provided also*, that if the state shall subscribe for any portion of the said stock, not less than one-eighth part thereof, the company shall not thereafter alter or change the size, dimensions, or location thereof, without the consent of the legislature.

Repealed by supplement of March 2, 1832.

How long.

When route may not be altered.

SEC. 24. *And be it enacted*, That if the canal and feeder shall not be commenced within two years after the passing of this act, or shall not be completed within eight years, this act shall be void.

What shall make void this act.

SEC. 25. *And be it enacted*, That, at the expiration of thirty years from the completion of the canal and feeder, the legislature of this state may cause an appraisement of the said canal and feeder, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the governor, or person administering the government of this state, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid, which value shall in no case exceed the first costs of the said canal and feeder, with the lands and appendages thereof; and thereupon the state shall have the privilege, for ten years, of taking said canal and feeder, upon the payment to the company of the amount of the said report within one year after electing to take said canal and feeder; which report shall be filed in the office of the secretary of this state, and the whole property and interest of the canal and feeder, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the said company to lay before the legislature, under oath or affirmation, whenever the legislature shall so request, a full and fair statement of the costs of the said canal and feeder, with their appendages, and of the receipts and

When state may take canal, &c., and how.

See supplement of Feb. 3, 1831.

disbursements of said company; *provided*, that if the said company shall, for the space of two months after the appointment of the appraisers made by the state, refuse or neglect to appoint the requisite number of appraisers on their part, that then and in that case the governor, or person administering the government of this state, shall have the power to appoint two appraisers, who, with those appointed by the governor, or person administering the government, shall make the valuation aforesaid, and the said company shall be bound thereby; *and provided also*, that if the appraisers appointed by the governor, or person administering the government, and the company, respectively, be equally divided, and the appraisers on the part of the company shall refuse or neglect for two weeks to appoint a seventh person, or cannot agree on the appointment of such seventh person within said period, as heretofore provided, that then and in that case the governor, or person administering the government, shall appoint the said seventh person; *and provided also*, that if any of the said appraisers, so appointed on the part of the state, shall refuse or neglect to perform the duties required, that the governor, or person administering the government, shall have power to appoint other appraisers, in the place of those who do so refuse or neglect to perform the duty aforesaid.

Quarterly returns to be made.

SEC. 26. *And be it enacted*, That from and after the completion of the said canal and feeder, it shall be the duty of the treasurer of the said company, under oath or affirmation, to make quarterly returns of the number of passengers, and the number of tons of merchandise and other articles, transported thereon across the state, to the treasurer of this state for the time being, and thereupon to pay the said treasurer of this state the sum of eight cents for each passenger, and the sum of eight cents for each and every ton of merchandise, so transported thereon, excepting the articles of coal, lumber, lime, wood, ashes, and similar low priced articles, for which two cents per ton shall be paid, as aforesaid; and that no other tax or impost shall be levied or assessed upon the said company.

Transit duty.

Public act.

SEC. 27. *And be it enacted*, That this act shall be deemed and taken as a public act, and, as such, taken notice of by all courts of justice in this state, without the necessity of pleading the same.

ACT OF INCORPORATION

OF THE

CAMDEN AND AMBOY RAILROAD COMPANY.

An Act to incorporate the Camden and Amboy Railroad and Transportation Company.

Passed February 4, 1830.

Books to be opened.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That subscription books to the capital stock of the Camden and Amboy Railroad and Transportation Company shall be opened within six months after the passing of this act, by Samuel G. Wright, of Monmouth, James Cook, of Middlesex, Abraham Brown, of Burlington, Jeremiah H. Sloan, of Gloucester, and Henry Freas, of Salem, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least three of the newspapers published in this state, three in the city of Philadelphia, and three in the city of New York.

Notice.

Capital stock to be divided into shares.

When company may be organized.

SEC. 2. *And be it enacted*, That the capital stock of the said company shall be one million of dollars, to be divided into shares of one hundred dollars each; and that when five thousand shares are subscribed for, the persons holding the same shall be, and they hereby are incorporated into a company, by the name of "the Camden and Amboy Railroad and Transportation Company;" and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, holding, and conveying of real or personal estate; shall have perpetual succession, and power to make and use a common seal; and, by

Powers.

said corporate name, may sue and be sued; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to perfect an expeditious and complete line of communication from Philadelphia to New York, and to carry the objects of this act into effect.

Subscriptions, how paid.

SEC. 3. *And be it enacted*, That, at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice of; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the company.

Shares, how forfeited.

In what case charter void.

SEC. 4. *And be it enacted*, That if the number of shares, herein before made necessary for the incorporation of said company, be not subscribed for within one year from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in, to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Money returned.

Meeting of stockholders to be called, and how.

SEC. 5. *And be it enacted*, That when five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be the judges; and that, at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same num-

Election of directors.

ber of directors, a majority of whom shall be citizens of this state, as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, either in person or by proxy.

Election of president.

SEC. 6. *And be it enacted*, That, within twenty days after their annual election, as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year, or until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be equally divided: he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person in his place, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Compensation and duties of a president.

Vacancies, how supplied.

SEC. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall decide upon the description of carriages to be used on said road, when completed, the weight to be carried in a carriage, the times of starting and rates of travelling, so that no injury may be done to the said road, or impediments offered to persons or property travelling thereon; and it shall be their duty to provide suitable steam or other vessels, at either extremity, for the transportation of passengers and produce from city to city, so that no delay shall occur for want thereof: they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all the other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock, and for the general government of the company, and

Officers to be appointed.

Carriages.

Steam vessels.

By-laws.

management of its affairs; *provided*, the same are not repugnant to the laws of this state or of the United States.

Statement to be exhibited at annual meetings.

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

Special meetings.

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

Elections in certain cases.

SEC. 10. *And be it enacted*, That if, from any cause, any election, herein before named, shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the officers for the preceding year shall continue to hold their respective offices until others are elected in their stead; and that the charter shall not be defeated or avoided by reason of the irregularity or want of any such election.

Railroad may be constructed from, and to what points.

SEC. 11. *And be it enacted*, That, to facilitate the objects of this act, the president and directors of the said company be, and they hereby are authorized and invested with all the rights and powers necessary to survey, lay out, and construct a railroad or roads, with all necessary appendages, from the Delaware river, at some point or points between Cooper's creek and Newton creek, in the county of Gloucester, in this state, to a suitable point or points, to be by them determined on, upon the Raritan bay, with as many sets of tracks as they may deem necessary; *provided*, that the said road, or its branches, shall not exceed one hundred feet in width on the surface of the road; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring,

Width.

Further powers of the company.

surveying, levelling, or laying out the route or routes of the said railroad or roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes and location of such road or roads shall have been determined upon, and a survey of such routes and location 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 its employ, to enter upon, to take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails thereon, and to do all other things which shall be suitable and necessary for the effectual completion of the said road or roads, and to carry into full effect the object of this incorporation; and may take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said road or roads, or of any of the works or appendages, subject to such compensation to be made therefor as is herein after provided.

Lateral road to Bordentown.

SEC. 12. *And be it enacted*, That it shall and may be lawful for the said company to construct a lateral road from the main line of said road, from the nearest practicable point of said main road, to Bordentown, and within three miles of Crosswicks creek, and, as nearly as may be, at right angles with the said main road, to a suitable point or points on the river Delaware, in the borough of Bordentown, and that the said lateral road may be of the same width, and with as many tracks; and the said company, in the construction or use thereof, shall be entitled to all the privileges and immunities, and subject to all the provisions and restrictions herein contained relative to the main line of said road; *provided nevertheless*, that it shall not be lawful for the said company to construct the said lateral road until the main line of said road is completed.

Compensation to owners of land, how made.

SEC. 13. *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 said com-

pany, in the construction of the said roads, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners, herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages; and, after taking into view the benefits that will result from the railroad to the owner or owners of the lands or materials, shall report what sum, if any, 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 lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evi-

Notice to be given.

Commissioners appointed.

Oath.

Damages, how ascertained.

See sec. 8, of supplement of February 4, 1831.

dence 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 of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Lien.

Costs.

Trial, when had at circuit.

Damages, how assessed.

SEC. 14. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the 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 lands or materials and damages sustained, having regard to the benefits aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favour 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; *provided*, that such application shall not prevent the company from taking the said land or materials, upon the filing of the aforesaid report.

Bridges to be built.

SEC. 15. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair good and sufficient bridges or passages over the said railroad or roads, where any public or other roads shall cross the same, so that the passage of carriages, horses, and cattle on said roads shall not be prevented thereby; and also, where the said railroad shall intersect the farm or lands of any individual, to provide and keep in repair suitable wagon ways, so that the owners and others may pass the same.

Tolls demandable.

SEC. 16. *And be it enacted*, That the said company are hereby authorized to demand and receive such sum or sums of money, for tolls and the transportation of persons, and every species of property whatsoever thereon, as they shall from time to time think reasonable and proper; *provided*, that they shall

Rates of toll.

not charge more than at the rate of eight cents per ton per mile for the transportation of every species of property, nor more than ten cents per mile for the carrying of each passenger; and that the said railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatever, belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance

Shares personal estate.

of this charter; and the shares of the capital stock shall be deemed and considered personal estate; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in

When charter annulled.

that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs or assigns; *pro-*

Railroad, when vested in the state.

vided always, if the state of New Jersey shall take possession of the said road, then the said road, and the title to the said lands shall be, and hereby is vested in the state of New Jersey, so long as they shall maintain the same.

Dividends, when made.

SEC. 17. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company

will admit, declare and make such dividend as they may deem prudent and proper of the net profits thereof; and shall semi-annually declare such dividend, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, or in case they fail so to do, assign their reasons to the stockholders, in writing, for not doing so.

Penalty for injuries, &c.

SEC. 18. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the use of any railroad constructed under this act by the said company, or any of their necessary works, carriages, or machines, 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 by them recovered in any court of competent jurisdiction, in an action of debt, and also be liable to pay double the amount of damages sustained thereby.

Capital stock may be increased.

SEC. 19. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company any sum not exceeding five hundred thousand dollars, by increasing the number of shares for that purpose.

One fourth reserved for the state.

SEC. 20. *And be it enacted*, That the legislature of this state shall have the privilege of subscribing for one-fourth of the capital stock of this company, and shall have the appointment of two of the said directors of the company to represent the same; or if they shall subscribe for a less number of shares, then as many directors, proportionably, as the number of shares subscribed by them shall bear to the whole amount of stock; but if the said stock shall not be subscribed for on or before the first day of January next, then the right to subscribe therefor by the legislature shall cease, and only be admitted by the approbation and consent of a majority of the stockholders who shall have subscribed for the stock of said company.

See supplement of Feb. 4, 1831.

How long.

What shall make void this act.

SEC. 21. *And be it enacted*, That if the railroad shall not be commenced within two years after the passing of this act, or shall not be completed with nine years, this act shall be void.

When state may take railroad, and how.

SEC. 22. *And be it enacted*, That, at the expiration of thirty years from the completion of the said roads, the legislature of this state may cause an appraisement of the said roads, 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, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the chief justice, then the three persons so appointed by him shall proceed to mak such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon a 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 roads, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said roads, and of all the receipts and disbursements of the company.

Quarterly returns to be made.

SEC. 23. *And be it enacted*, That, from and after the completion of the said road or roads, it shall be the duty of the treasurer of the said company, under oath or affirmation, to make quarterly returns of the number of passengers, and the number of tons of goods, wares, and merchandise transported upon said road or roads, to the treasurer of this state for the time being, and thereupon to pay the said treasurer of this state at the rate of ten cents for each and every passenger, and the sum of fifteen cents for each and every ton of merchandise, so transported thereon; and that no other tax or impost shall be levied or assessed upon the said company.

Transit duty.

No other railroad to be made within three miles.

SEC. 24. *And be it enacted*, That if the state of New Jersey shall authorize the construction of any other railroad for the transportation of passengers across this state, from New York

to Philadelphia, which road shall be constructed and used, and which shall commence and terminate within three miles of the commencement and termination of the said roads authorized by this act, then the payment of the said sum of ten cents for each passenger, and fifteen cents per ton for merchandise, to the treasurer of this state shall cease, and the said company is hereby exonerated from the payment thereof; *provided*, that if any other railroad shall be constructed for the transportation of passengers from Philadelphia to New York, it shall be liable to a tax, not less than the amount payable to the state by this company.

Public act.

SEC. 25. *And be it enacted*, That this act shall be deemed and taken as a public act, and, as such, taken notice of by all courts of justice in this state, without the necessity of pleading the same.

Subject to certain provisions.

SEC. 26. *And be it enacted*, That the company incorporated by this act shall be deemed to be within, and subject to the provisions of the act entitled, "An act to prevent frauds by incorporated companies," passed the sixteenth day of February, A. D. eighteen hundred and twenty-nine.

Capital not to be employed in banking.

SEC. 27. *And be it enacted*, That the company incorporated by this act shall not employ its capital, or any part thereof, in banking operations, nor engage in any transactions peculiar and appropriate to banking institutions.

Public highways.

SEC. 28. *And be it enacted*, That the said railroads shall, and hereby are declared to be a public highway, subject to the regulations of the said company, as contained in the seventh section of this act.

A supplement to an act entitled, "An act to incorporate the Delaware and Raritan Canal Company," passed fourth day of February, eighteen hundred and thirty.

Passed February 3, 1831.

Part of former act amended.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the twenty-fifth section of the act to which this is a supplement be, and the same is hereby so amended as to extend the time of thirty years, therein mentioned, to fifty years, any

thing in the said act, to which this is a supplement, to the contrary notwithstanding.

Railroad within certain limits prohibited.

SEC. 2. *And be it enacted*, That it shall not be lawful for the Delaware and Raritan Canal Company, or for any other person or persons, body corporate or politic, whatsoever, to construct any railroad across the state, between the Delaware and the Raritan rivers, within five miles of any point of the canal authorized to be constructed by the act to which this is a supplement, until after the time limited, in the twenty-fourth section of the act to which this is a supplement, for the completion of the said canal and the feeder provided for in the act aforesaid, reserving to any person or persons, body politic or corporate, any of their just and legal rights, already vested, to the contrary of this prohibition; *provided*, that nothing in this act contained shall prevent the state from authorizing the construction of a railroad between the Delaware river and the Raritan river, after the said canal and feeder shall be completed, always giving to the said Delaware and Raritan Canal Company the refusal of constructing the said railroad; *and provided also*, that the privileges hereby granted are upon the express condition, that the said canal shall be constructed, from the Delaware to the Raritan river, seventy-five feet wide on the water line, and the water therein to be seven feet deep throughout; the locks thereof to be at least one hundred feet in length, and twenty-four feet in width, in the clear.

Proviso.

Proviso.

An Act relative to the Camden and Amboy Railroad and Transportation Company.

Passed February 4, 1831.

Company may transfer one thousand shares to the state.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the Camden and Amboy Railroad and Transportation Company to transfer one thousand shares of the capital stock of the said company to this state, the instalments on which stock shall be paid by the company, so that the state, neither at the time of such transfer, or at

any subsequent time, shall be required to pay any instalment thereon; a certificate of which stock shall be held by the treasurer of this state, for the use of the state, and all dividends of the company be declared and payable thereon, as if this state had subscribed for such stock, and paid the several instalments thereon.

State to appoint a director.

SEC. 2. *And be it enacted*, That the state shall have the right to appoint one director to represent the said stock, but that no vote shall be given for said stock at any election for directors of the company.

Sum to be paid state for each passenger.

SEC. 3. *And be it enacted*, That the said company shall pay to the state the sum of ten cents for each passenger carried on the said railroad or roads across this state, between the Delaware river and Raritan bay; said payments to commence when said road is so far completed that passengers are transported thereupon across this state, instead of a ratable tax for passengers, as reserved in the said act of incorporation.

How appraisement of road, &c., to be made.

SEC. 4. *And be it enacted*, That the appraisement provided for in the twenty-second section of the act of incorporation of the said company, shall be made in reference to the actual value of the said road, and not with reference to the value of the stock; which appraisement shall not, in any event, exceed the actual cost and expenses incurred in the completion of the said road.

Assent of company to this act to be filed.

SEC. 5. *And be it enacted*, That, upon filing the assent of the company to this act in the office of the secretary of state, this act shall be deemed and taken as part of the charter of said company; which assent shall be filed within five days after the passage of this act, or this act, and all the provisions therein contained, shall be void.

When dividends to cease, and stock re-transferred by the state.

SEC. 6. *And be it enacted*, That when any other railroad or roads, for the transportation of passengers and property between New York and Philadelphia across this state, shall be constructed and used for that purpose, under or by virtue of any law of this state or the United States authorizing or recognizing said road, that then and in that case the said dividends shall be no longer payable to the state, and the said stock shall be re-transferred to the company by the treasurer of this state.

Other railroads prohibited within three miles for a certain time.

SEC. 7. *And be it enacted*, That it shall not be lawful to construct any other railroad or roads, for the transportation of passengers across this state, within three miles of the road of the

said Camden and Amboy Railroad Company, until after the time limited in the twenty-first section of the act of incorporation of said company for the completion of the said railroad; *provided*, that nothing herein contained shall be deemed and considered as excluding the construction of a railroad from the Hudson to the river Raritan, or from Camden to any point on the Delaware in the county of Salem.

Part of a former act repealed.

SEC. 8. *And be it enacted*, That so much of the thirteenth section of the act to which this act is relative, as requires the commissioners to take into view the benefit that will result from the railroad, to the owner or owners of the land or materials, is hereby repealed, and shall cease.

Certificate of acceptance filed February 8, 1831.

An Act relative to the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies.

Passed February 15, 1831.

D. and R. Canal Co. and C. and A. Railroad Co. may consolidate.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company, by and with the consent of seven-eighths of the stockholders of the said companies, respectively, to consolidate the capital stock of the said companies, for the purposes of erecting and completing the said canal and feeder and the said railroads, provided for by the acts incorporating the said companies, and the supplements thereto, out of the joint funds of the said companies, subject always to all the provisions, reservations, and conditions in the said acts and supplemental acts contained and set forth; and the stock of the said companies, subscribed and authorized to be subscribed under the said acts, shall be deemed and considered, and is hereby declared to be joint stock; and the profits accruing from the said canal and feeder, and railroads aforesaid, shall be divided among all the stockholders of the two companies aforesaid, share and share alike; and the directors appointed, and to be appointed under the

provisions of the aforesaid acts of incorporation, shall direct and manage the affairs and concerns of the said companies, in joint meeting; and the said companies shall be jointly liable on all contracts made, or to be made, by either and each of the said companies, respectively, and may jointly sue and be sued, plead and be impleaded, in all courts of law and equity; *provided always*, that before this act shall take effect, the assent of the stockholders holding seven-eighths of all the stock of the said Delaware and Raritan Canal Company and the said Camden and Amboy Railroad and Transportation Company to the provisions of this act, shall be certified to the satisfaction of the governor, and the same shall be filed in the office of the secretary of this state Proviso. *provided also*, that if any stockholders shall disagree to the provisions of this act, and express the same in writing, it shall be the duty of the company to pay such person or persons dissenting the sum paid for his, her, or their stock, with interest, on transferring the same to the company; *and provided also*, that it shall not Proviso. be lawful for the said companies to charge more than three dollars for the transportation of passengers from and to the cities of New York and Philadelphia; *and provided further*, that the Proviso. said canal from the Delaware to the Raritan, and feeder, and the said railroad from Camden to Amboy, shall be completed within the time specified in their respective charters; *and it is also* Proviso. *provided further*, that if one of the said works, at the expiration of the aforesaid time, is completed without the other, that then and in that case the work so completed shall be forfeited to the state of New Jersey; *provided also*, that the right of the legisla- Proviso. ture to take the said railroads and the said canal and feeder, or either of them, at the times limited in the acts incorporating the said companies, and the acts supplemementary or relative to said acts, or either of them, respectively, and on the terms therein prescribed, shall in no way be affected or impaired by this act.

Certificate of acceptance approved and filed May 18, 1831.

A supplement to an act entitled, "An act relative to the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies."

Passed March 2, 1832.

Company may transfer one thousand shares to the state.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the said Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies, to transfer to this state one thousand shares of the joint capital stock of the said companies, upon which all the instalments shall be paid by the said companies, so that neither at the time of the said transfer, nor at any time thereafter, the payment of any money thereon or therefor shall be required from the state; a certificate of which stock shall be held by the treasurer of this state, for the use of the state, and all dividends of the company be declared and payable thereon, as if the state had subscribed for such stock, and paid the several instalments thereon.

Construction of other railroads, to compete with this, restricted.

SEC. 2. *And be it enacted*, That it shall not be lawful, at any time during the said railroad charter, to construct any other railroad or railroads in this state, without the consent of the said companies, which shall be intended or used for the transportation of passengers or merchandise between the cities of New York and Philadelphia, or to compete in business with the railroad authorized by the act to which this supplement is relative; *provided always*, that nothing in this act shall be so construed as to prevent the construction of a railroad from the city of New Brunswick to the Hudson river, or any lateral road that may be hereafter authorized by an act of the legislature, from a suitable point or points intersecting said road, to be designated and agreed upon by the said companies, or any lateral road or roads not intended or used for the purpose of competition, as aforesaid.

Proviso.

$30,000 yearly secured to the state.

SEC. 3. *And be it enacted*, That if, within one year from the time that the said railroad from Bordentown to Amboy, is so far completed that passengers and merchandise be transported thereon, the transit duty reserved by the acts incorporating said companies, and the dividends on the stock hereby authorized to be transferred, shall not amount to thirty thousand dollars, it

shall be the duty of the said companies to pay such deficiency to the treasurer of this state, out of the joint funds of the said companies, before any dividend is made to the stockholders; and that each and every year thereafter, such deficiency, if any shall exist, shall be paid by the said companies, so as to secure to the state the aforesaid sum of thirty thousand dollars, at least, in each and every year during said charter.

Dividends.

SEC. 4. *And be it enacted*, That, in declaring and making dividends of the net profits, the president and directors of the said companies shall declare and divide the whole of the actual net profits accruing to the time of such dividend, retaining only such surplus funds as may be deemed requisite to meet unexpected and extraordinary damages to the works, respectively, which surplus funds shall in no case exceed, in the whole, the sum of one hundred thousand dollars.

Surplus fund to be retained.

State to appoint a director.

SEC. 5. *And be it enacted*, That the state shall be entitled to the appointment of one director to represent the said stock, but that no vote shall be given for said stock at any elections of the stockholders.

Lateral road to be made in certain contingency.

SEC. 6. *And be it enacted*, That it shall be the duty of the said companies to construct a lateral railroad, from a suitable point on said road, at or west of the village of Spotswood, to a suitable point or points in the city of New Brunswick, to be determined upon by the said companies, by and with the assent of the corporation of said city; in the construction and use of which said road, the said companies shall be entitled to all the powers and privileges, and subject to all the conditions and limitations, contained in the act incorporating said railroad company; and which said lateral road shall be completed as soon as any railroad shall be made from the said city of New Brunswick to the Hudson river; *provided always*, that the said companies shall not charge more than two dollars and fifty cents for each and every passenger carried thereon, from and to the cities of New Brunswick and Philadelphia.

See further supplement, sec. 7, of Mar. 15, 1837.

Assent of stockholders to be filed.

SEC. 7. *And be it enacted*, That the assent of a majority of the stockholders of the said companies to the provisions of this act, in writing, shall be submitted to, and approved by the governor of this state, or the person administering the government of the same, and filed in the office of the secretary of this state

within forty days after the passing of this act, or this act shall be void.

Twenty-third section repealed.

SEC. 8. *And be it enacted*, That the twenty-third section of the act incorporating the said Delaware and Raritan Canal Company be, and the same is hereby repealed.

Certificate of acceptance approved and filed April 5, 1832.

An Act for the relief of certain landholders.

Passed March 15, 1832.

Preamble.

WHEREAS it has been represented to the legislature, in behalf of certain landholders on the route of the Camden and Amboy railroad, that in many cases the said railroad, as now located and laid out, intersects their farms, so as to produce great inconvenience and expense to them, which might be avoided by slight variations of the location, which the said railroad company are willing to make—therefore,

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the said Camden and Amboy Railroad and Transportation Company to change or alter the location of the said railroad, not exceeding, in any case, one-fourth of a mile from the line as now laid out and worked upon, where the same may be done without prejudice to the usefulness of the said road and the interests of the said company; and the said company, after filing in the office of the secretary of this state a survey of such location, as varied from the original location, shall be invested with all the powers and privileges, and subject to all the conditions and restrictions, in taking possession of and using the land on which the said road shall be relocated, for the use and construction thereof, which, by their act of incorporation, they might or could exercise or enjoy respecting the land over which the road was originally located.

May change location of road.

Survey of alterations to be filed.

Company to possess same powers as on original line.

An Act prescribing the mode of appointing directors in the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies.

Passed March 16, 1832.

Governor to appoint state directors.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the directors to be appointed, on behalf of the state of New Jersey, in the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, shall be appointed annually, by the governor of the state for the time being, or the person administering the government.

An Act to authorize the Camden and Amboy Railroad and Transportation Company to construct a lateral railroad from their main road to South river, in the county of Middlesex.

Passed February 18, 1835.

C. and A. Railroad Co. authorized to construct a lateral railroad to South river.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Camden and Amboy Railroad and Transportation Company to construct a lateral railroad, or branch, from any point in their main road, within half a mile of their bridge over South river, to one or more point or points on South river, not farther distant from their said bridge than half a mile; *provided always,* that the assent of the owner or owners of the land over which such lateral road may pass, shall first be obtained.

Roads already laid not to be obstructed.

SEC. 2. *And be it enacted,* That it shall be the duty of the company to construct and keep in repair good and sufficient wagon ways or passages over the said lateral railroad or branch, where any public or other road may cross the same, so that the passage of carriages, horses, and cattle, on said roads, shall not be prevented or obstructed thereby.

Road a public highway.

SEC. 3. *And be it enacted,* That the said railroad, when completed, shall be deemed a public highway; *provided always,* that persons using the same shall conform to such regulations, as to

the description of cars, time of starting, and rate of travelling, as may be prescribed by the said the Camden and Amboy Railroad and Transportation Company.

An Act to ratify and confirm a certain arrangement, therein named.

Passed March 4, 1835.

Preamble. WHEREAS the Delaware and Raritan Canal Company, in compliance with the desire of the city of Trenton, as expressed by a town meeting of its citizens, on the ninth day of February, A. D. one thousand eight hundred and thirty-three, and by a vote of the common council thereof, on the eighteenth day of March, A. D. one thousand eight hundred and thirty-three, consented to construct moving bridges over their feeder, where it crosses the streets of said city; and whereas, in consequence of the manner in which said feeder crosses Spring, Willow, and Chancery streets, in said city, (occasioning a great inconvenience in the construction of bridges, of the above description, over said streets, as they now run,) the canal company presented to the common council of said city a proposition in relation to said streets and bridges, as follows, to wit: to excuse the company from building a bridge over Chancery street, and to authorize them to alter the course of said street, so as to lay it along the southeast side of the feeder, from its junction therewith to Willow street; and likewise to allow them so to construct the bridge at the junction of Spring and Willow streets, as that one bridge may serve for both streets, and to alter the course of Spring street, by laying it along the northwest side of the feeder, from its junction therewith to Willow street, which proposition the said common council did approve, and, so far as their authority went, did consent to by resolution, passed the fifteenth day of April, A. D. one thousand eight hundred and thirty-three; and whereas, in execution of said proposition, streets have been laid by due course of law, one along the southeast side of the feeder, from Chancery street to Willow street, and the other along the northwest side of the feeder, from Spring

street to Willow street, by which the plan, so far as was in the power of the company, has been carried out; and whereas no other authority than the legislature can release the company from their obligation, under the sixteenth section of the act of incorporation, to construct bridges over public roads—therefore,

Agreement between Trenton city and D. and R. Canal Co. confirmed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Delaware and Raritan Canal Company be, and they are hereby excused, released, and exempted from constructing and keeping up a bridge over their feeder, where it crosses Chancery street, in the city of Trenton; and that a single bridge at the junction of Spring and Willow streets, in the said city, to answer for both Spring and Willow streets, crossing from said Willow street to the street connecting the said Spring and Willow streets, shall be considered a full compliance with the obligation of said company, under the said sixteenth section, in relation to the said Spring street and the said Willow street; *provided*, that the said company shall always keep said bridge, and the said streets leading from Chancery street to Willow street, and from Spring street to Willow street, in good condition and repair; and said streets are hereby declared to be henceforth incapable of vacation.

AND WHEREAS, although that part of the western end of Chancery street, which is cut off by said feeder, is only a few feet in length, and entirely useless as a public road, yet it is doubtful whether the same can be vacated by the surveyors of the highways, in consequence of the twenty-eighth section of the act concerning roads, passed the ninth day of February, A. D. one thousand eight hundred and eighteen—therefore,

Part of Chancery street vacated.

SEC. 2. *And be it enacted*, That that part of Chancery street lying to the westward of the feeder of the Delaware and Raritan canal be, and the same is hereby declared vacated.

A further supplement to the act entitled, "An act relative to the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies.

Passed March 15, 1837.

Construction of a railroad from New Brunswick to Trenton.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the united Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized, out of the joint funds of the said corporations, to survey, or lay out, and construct a railroad, with all the necessary appendages, to commence at some suitable point in the city of New Brunswick, where the same shall connect with the southwesterly end or termination of the road of the New Jersey Railroad and Transportation Company, and thence to run, on the most eligible route, to the city of Trenton, and thence to some point on the line of the Camden and Amboy railroad, at or south of the borough of Bordentown, and there to connect with the said Camden and Amboy railroad, with as many sets of tracks as they may think necessary; which road and tracks shall be of the same width, dimensions, and construction as the Camden and Amboy railroad and track; with a spur or lateral railroad, to connect with the said railroad above authorized to be constructed, at some point in the city of Trenton, to be fixed on by the said company, with the assent of the corporation of the said city of Trenton, and extend from thence to the Delaware river, at the Trenton Delaware bridge.

Powers invested.

SEC. 2. *And be it enacted,* That, for the purpose of enabling them to construct said roads, the said united Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies be, and they are hereby invested with all the powers and authority which they now possess, and entitled to all the privileges and emoluments to which they are now entitled under the act entitled, "An act to incorporate the Delaware and Raritan Canal Company," passed February fourth, eighteen hundred and thirty, the act entitled, "An act to incorporate the Camden and Amboy Railroad and Transportation Company," passed February fourth, eighteen hundred and thirty, and the several acts supplementary to the said acts, or either of them, as far as the provisions thereof are now in force, and not

repealed, altered, or modified by subsequent acts; and shall be subject to all the provisions, conditions, liabilities, limitations, and restrictions to which they are now subject under said acts; *provided*, that in the assessment to the damages done to the owner or owners of the lands through which the said railroad may pass, the benefit which shall or may result to the said owner or owners from the construction of the said railroad shall not be taken into consideration.

Transit duties.

SEC. 3. *And be it enacted*, That the said united Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies shall be liable to pay to this state, at the same stated periods, the same transit duties for goods, wares, and merchandises, and for passengers, transported on or over said road, from Bordentown, from the Trenton Delaware bridge, or from the city of Trenton, to the city of New Brunswick, or from the city of New Brunswick to Trenton, the Trenton Delaware bridge, or Bordentown, that they would be liable to pay to the state for the same goods and passengers, if they had been transported on the Camden and Amboy Railroad from Camden to South Amboy; *provided however*, that it shall not be lawful to charge more than five cents per mile for the transportation of each and every passenger on the road hereby authorized, and not to exceed the same rate for the transportation of each and every way passenger on the road of the Camden and Amboy Railroad and Transportation Company.

Location of said road.

SEC. 4. *And be it enacted*, That it shall be lawful for the said united Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, by and with the assent of the president and directors of the Trenton and New Brunswick Turnpike Company, and on such terms, with respect to themselves, as may be agreed on between them, to locate the said railroad, hereby authorized to be constructed from New Brunswick to Trenton, on the line of said turnpike road, with such variations therefrom as the nature of the ground shall, in their opinion, require; and that the said railroad, hereby authorized to be constructed, whether laid on the said turnpike road or not, shall be redeemable by this state at the same time that the said Camden and Amboy railroad is redeemable, or at any time afterwards, but not before, without the consent of the said united companies, and on the same terms that the said Camden and

Amboy railroad is redeemable by the laws now existing and in force on that subject.

Right of the state unimpaired.

SEC. 5. *And be it enacted*, That nothing in this act contained shall be construed, held, deemed, or taken in any way to affect, impair, or defeat the right of the state of New Jersey of, in, or to the shares they now hold of the capital stock of the said Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company, or the interest or dividends accruing thereon, and to the transit duties for the transportation of goods, wares, and merchandises, and of passengers, on said canal and railroad, or the right of redeeming said works, according to the provisions now in force in the charters of the said companies, and acts supplementary thereto; but the state shall be and remain entitled to their said rights, privileges, and emoluments, as fully as if this act had not been passed.

Certificate of acceptance to be filed.

SEC. 6. *And be it enacted*, That this act shall not go into effect, and the said united Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, or either of them, shall not be authorized to proceed in the construction of the said railroad, hereby authorized to be erected, or any part thereof, until the boards of directors of each of the said companies, respectively, or the joint board of directors of the said two companies, shall certify their acceptance of this act, as a supplement to, and part of the charter of said companies, under the hands of the president and secretary and the corporate seal of the said joint companies, and of each of the said companies, respectively, and file the same in the office of the secretary of this state, who, in such case, shall cause a certified copy of said certificate of acceptance to be published, in connection with this act, among the laws of this state, which said publication shall be deemed competent and plenary evidence of such acceptance.

Repeal of 6th section of former act.

SEC. 7. *And be it enacted*, That if the said joint companies shall certify their acceptance of this supplemental act, in manner aforesaid, and in all things comply with the provisions thereof, and complete the railroad hereby authorized within the time fixed for the construction of the lateral railroad required by the sixth section of the actentitled, "A supplement to an act entitled, an act relative to the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies,"

passed the second day of March, in the year of our Lord one thousand eight hundred and thirty-two, that then and in that case so much of the said sixth section of the last mentioned act as makes it "the duty of the said companies to construct a lateral railroad from some suitable point on said road, at or west of the village of Spotswood, to a suitable point or points in the city of New Brunswick," be, and the same is hereby repealed.

In compliance with the requisitions of the sixth section of the foregoing law, entitled, "A further supplement to the act entitled, an act relative to the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies," the following certified copy of the acceptance of the provisions of said law, by the said companies, is here published:

Preamble. WHEREAS the legislature of New Jersey did, on the fifteenth day of March, in the year of our Lord one thousand eight hundred and thirty-seven, pass an act entitled, "A further supplement to the act relative to the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies;" and whereas the sixth section of the said act enacts "that this act shall not go into effect, and the said Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, or either of them, shall not be authorized to proceed in the construction of the said railroad, hereby authorized to be erected, or any part thereof, until the boards of directors of each of the said companies, respectively, or the joint board of directors of the said two companies shall certify their acceptance of this act, as a supplement to, and part of the charter of the said companies, under the hands of the president and secretary and the corporate seal of the said joint companies, respectively, and file the same in the office of the secretary of state, who in such cases shall cause a certified copy of said certificate of acceptance to be published, in connection with this act, among the laws of this state, which said publication shall be deemed competent and plenary evidence of such acceptances"—

Certificate of acceptance.

Be it therefore hereby certified, that the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company do accept this said act, as a supplement to, and part of the charter of said companies.

Witness the hands of the president and secretary and the seal of the said joint companies, and the hands of the president and secretary and the seal of the Delaware and Raritan Canal Company, and the hands of the president and secretary and the seal of the Camden and Amboy Railroad and Transportation Company, this twenty-third day of March, one thousand eight hundred and thirty-seven.

JOHN POTTER, [L. S.]
President of the Joint Board.

JOHN R. THOMSON,
Sect. of Joint Board.

R. F. STOCKTON, [L. S.]
Pres. D. & R. C. C.

JOHN R. THOMSON,
Sect. D. & R. C. C.

ROB'T. L. STEVENS, [L. S.]
Pres. of the Cam. & Am. R. R. & T. Company.

BENJ. FISH,
Sect. of C. & A. R. R. & T. Co.

Endorsed—"Filed April 13, 1837."

"J. D. WESTCOTT."

Seal of the secretary of state of New Jersey.

STATE OF NEW JERSEY, *ss.*—I, James D. Westcott, secretary of state of the state of New Jersey, do hereby certify, that the foregoing is a true copy of the certificate of acceptance, by the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies, of the law of said state, passed the fifteenth day of March, A. D. one thousand eight hundred and thirty-seven, entitled, "A further supplement to the act entitled, an act relative to the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies," as taken from and compared with the original, now on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in said state, this tenth day of June, A. D. one thousand eight hundred and thirty-seven, (1837).

JAMES D. WESTCOTT.

An Act to prevent frauds in the manifests of vessels navigating the Delaware and Raritan Canal.

Passed February 16, 1838.

To prevent frauds in manifests.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That every master, or other person, having the charge or command of any vessel or boat navigating the Delaware and Raritan canal, shall produce, to each and every collector of tolls, a manifest, in writing, containing a just and particular account of all the goods, wares, merchandise, and other matters on board of such vessel or boat; and it shall and may be lawful for such collectors of tolls, if they shall deem it advisable, to require the said master, or other person having the charge or command of any such vessel or boat, to declare to the truth of such manifest, which declaration shall be on oath, or solemn affirmation, before such collector so requiring it, in manner and form following, to wit: "I do solemnly, sincerely, and truly swear (or affirm), that the manifest subscribed with my name, and now delivered by me to —— ——, one of the collectors of tolls of the Delaware and Raritan Canal Company, contains, to the best of my knowledge and belief, a just and true account of all the goods, wares, and merchandise, including packages of every kind and nature whatsoever, which now are or were on board the ——— at the time of her entering the Delaware and Raritan canal; that I am at present, and have been since her entering the said canal, master of the said vessel or boat; that no package whatsoever, or any goods, wares, or merchandise, have, to the best of my knowledge and belief, been unladen, landed, or taken out, or in any manner whatever removed from on board the said vessel or boat, since her entering the said canal at ———, excepting such as are now particularly specified and declared in the account herewith."

Oath.

Penalty for not giving true account of cargo.

SEC. 2. *And be it enacted*, That if, on examination of the cargo of the said vessel or boat, by the said collector of tolls, it shall turn out that such manifest does not contain a just and true account of the said cargo, the master or other person having the charge or command of such vessel or boat shall forfeit and pay the sum of one hundred dollars to the said the Delaware and Raritan Canal Company, to be recovered, in their name, in

an action of debt, with costs; and it shall be lawful for the collector of tolls to detain such vessel or boat till the said penalty and costs be paid, unless said master, or other person having the charge or command of such vessel or boat, shall enter into bond to the said company, with one or more sureties, being freeholders in this state, in the penal sum of two hundred dollars, conditioned for the payment of such penalty and costs as may be recovered against him or them by virtue of this act, and, immediately upon the delivery of such bond to the collector of tolls, the said vessel or boat shall forthwith be released.

Collectors to administer oath.

SEC. 3. *And be it enacted*, That the several collectors of tolls of the said the Delaware and Raritan Canal Company be, and they are hereby authorized and empowered to administer the oath or affirmation required by this act to the master or other person having the charge or command of such vessel or boat; and if such master, or other person, having the charge or command of such vessel or boat, shall falsely, wilfully, and corruptly swear or affirm, then such person so offending shall be deemed and adjudged to be guilty of wilful and corrupt perjury, and, on being convicted thereof, shall be punished accordingly.

SEC. 4. *And be it enacted*, That this act shall go into effect immediately after its passage.

JOINT RESOLUTION.

Passed February 29, 1840.

BE IT RESOLVED *by the Council and General Assembly*, That the treasurer and attorney general of this state be, and they hereby are authorized to submit to the decision of the supreme court of this state, all the matters in difference which have arisen between the said treasurer and the officers of the Camden and Amboy Railroad and Transportation Company, and those of the New Jersey Railroad and Transportation Company, respecting transit duties and taxes; and, in case it shall be deemed expedient, that they have authority to employ counsel.

JOINT RESOLUTION.

Passed March 10, 1842.

Preamble. WHEREAS the attention of the legislature has been called, by his excellency the governor, to a difference of opinion existing between the treasurer of this state and the Delaware and Raritan Canal, and the Camden and Amboy Railroad and Transportation Companies, in regard to the construction of certain provisions in the charter of the said companies—therefore,

Amount of transit duties to be paid by companies. BE IT RESOLVED *by the Council and General Assembly of this State*, That the treasurer of this state be directed to require from the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, the payment of a transit duty of ten cents for every passenger, and fifteen cents for every ton of goods, wares, and merchandise, heretofore transported, and ten cents for every passenger, and fifteen cents for every ton of goods, wares, and merchandise hereafter to be transported on any railroad or railroads, belonging to the said companies, from Camden, Burlington, Bordentown, the Trenton Delaware bridge, the city of Trenton, or any other point or place on the Delaware river, to South Amboy, the city of New Brunswick, or any other point or place on the Raritan river or bay, and from South Amboy, the city of New Brunswick, or any other point or place on the Raritan river or bay, to the city of Trenton, the Trenton Delaware bridge, Bordentown, Burlington, Camden, or any other point or place on the Delaware river, and that, upon the payment thereof, the treasurer be authorized and instructed to compute the yearly amount of all such transit duties, so far as the same may be needed for that purpose, as part of the sum of thirty thousand dollars mentioned in the third section of the supplement to the act relative to the said companies, passed March second, one thousand eight hundred and thirty-two; *provided*, Proviso. that the said companies shall furnish said treasurer, at his request, with the quarterly returns of all passengers, goods, wares, and merchandise, heretofore transported upon the several railroads of said companies from and to the various points or places above named in this resolution, and that hereafter similar returns shall be made quarterly, by the said companies, to the treasurer of this state, as required by law.

Resolution, when to take effect.

And be it resolved, That the foregoing resolution shall be deemed and taken as the true construction of the several acts and supplemental acts now in force, which relate to the transit duties payable to the state from the railroads belonging to the said companies, and that the said resolution shall not go into effect further than the same may be directory to the treasurer of this state, until the said Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company shall respectively certify their acceptance of the above stated resolution under the hands of the president and secretary and the corporate seals of the said companies respectively, and file the same in the office of the secretary of state, as evidence of their assent to the terms and provisions of the said resolution; *provided*, if the said united companies shall hereafter signify their acceptance of a supplemental act entitled, "An additional supplement to the act entitled, an act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies," passed March fifteenth, eighteen hundred and thirty-seven, the treasurer of this state shall receive and collect from the said companies the one half of any sum over three dollars they may charge for each passenger carried, on any of the railroads of the said companies, to and from the cities of New York and Philadelphia, in addition to the transit duties before mentioned, agreeably to the first section of the last mentioned act.

Proviso.

CERTIFICATE OF CAMDEN AND AMBOY RAILROAD COMPANY AND DELAWARE AND RARITAN CANAL COMPANY.

Preamble.

WHEREAS the Legislative Council and General Assembly of the state of New Jersey did, on the tenth day of March, in the year of our Lord one thousand eight hundred and forty-two, pass a certain joint resolution in regard to the construction of certain provisions in the charter of the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies. And whereas it was also further resolved, that the said resolution shall be deemed and taken as the true construction of the said several acts, now in force, which relate

to the transit duties payable to the state from the railroads belonging to the said companies, and that the said resolution shall not go into effect further than the same may be directory to the treasurer of this state, until the said Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company shall respectively certify their acceptance of the above stated resolution, under the hands of the president and secretary and the corporate seals of the said companies, respectively, and file the same in the office of the secretary of state as an evidence of their assent to the terms and provisions of the said resolution—therefore,

RESOLVED, That the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company, respectively, hereby certify their acceptance of the above stated resolution, and direct the secretary of the joint board of the companies to file their acceptance of the same in the office of the secretary of state, as evidence of their assent to the terms and provisions of the said resolution. Acceptance.

Witness the hands of the president and secretary and the seal of the joint companies, and the hands of the president and secretary and the seal of the Delaware and Raritan Canal Company, and the hands of the president and secretary of the Camden and Amboy Railroad and Transportation Company, and the seal of the same, this third day of October, in the year of our Lord one thousand eight hundred and forty-two.

JOHN POTTER, [L. S.]
President of Joint Board.

JNO. R. THOMSON,
Sec'y of Joint Board.

R. F. STOCKTON, [L. S.]
Pres. Del. & Rar. Canal Co.

JNO. R. THOMSON,
Sec'y Del. & Rar. Canal Co.

ROB'T L. STEVENS, [L. S.]
President Camden & Amboy R. R. & Trans. Co.

BENJ. FISH,
Sec'y Cam. & Amboy R. R. & T. Co.

Endorsed—Filed Oct. 14, 1842.

A true copy:

CHARLES G. McCHESNEY, *Sec'y of State.*

An Act prescribing the duties of the directors, on behalf of the state, of the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies.

Approved April 16, 1846.

Directors not to be stockholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be eligible to be appointed a director, on behalf of the state, of the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies, who shall be a stockholder in either of them; and if any such director shall, either directly or indirectly, become a stockholder during the time for which he was appointed, his office shall immediately be considered vacant.

Directors to make annual report.

2. *And be it enacted*, That it shall be the duty of said directors, annually, on or before the thirty-first day of December, to report to the governor, in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions, and business, as may be supposed to affect the interests of the state; and also, a statement of the number of passengers transported on said road or roads, over which line of said road or roads transported, the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares, and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of the transit duties accruing to the state on said goods, wares, and merchandise; and also, a similar statement respecting the transportation of passengers, coal, goods, wares, and merchandise, and the transit duty thereon, on the Delaware and Raritan canal; all of which statements shall be, by the governor, laid before the legislature, at the next meeting thereof.

Directors not to receive office from companies.

3. *And be it enacted*, That it shall not be lawful for any such director to receive from said companies, or either of them, any office or employment of any kind.

Directors to take oath.

4. *And be it enacted*, That before any person so appointed a director shall enter on the duties of his office, he shall file in the office of the secretary of state an oath or affirmation, which he shall have taken and subscribed before some person duly author-

ized to administer the same, in which oath or affirmation he shall declare that he will not (during the time for which he was appointed such director), either directly or indirectly, own stock in either of said companies; will faithfully and diligently perform the duties imposed by this act, without fear or favour; and that he will not receive from said companies, or either of them, any office or employment of any kind.

An Act to authorize the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies to subscribe a part of the capital stock of the Belvidere Delaware Railroad Company.

Approved February 29, 1848.

Company authorized to subscribe for stock.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal, and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized to subscribe for any number of shares, not exceeding ten thousand, of the capital stock of the Belvidere Delaware Railroad Company; *provided*, that in the distribution of the shares of stock of said company, among the subscribers thereto, that individual subscribers shall first be allowed the number of shares subscribed for by them respectively.

ACT OF INCORPORATION

OF THE

NEW JERSEY RAILROAD COMPANY.

An Act to incorporate the New Jersey Railroad and Transportation Company.

Passed March 7, 1832.

Corporate name.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John S. Darcy, William Chetwood, Isaac Baldwin, Abraham W. Kinney, Garret Sip, William Edgar, Cornelius L. Hardenburg, Thomas Muir, William R. Allen, James C. Vandyke, and their associates, shall be, and are hereby constituted a body politic and corporate, by the name of "the New Jersey Railroad and Transportation Company;" and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, and holding or conveying, any real or personal estate; shall have perpetual succession; and may also have a common seal, and alter or renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Capital stock to be divided into shares.

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

Books to be opened.

SEC. 3. *And be it enacted*, That the above named persons, together with William Pennington, Zephaniah Drake, Amzi Dodd, Jacob K. Mead, Thomas Salter, Ashbel W. Cory, Joseph W. Scott, and James S. Nevius, shall be commissioners to open books for receiving subscriptions to the capital stock of the said corporation; the said books shall be opened by the said commissioners, or a majority of them, three days in succession, the first day at New Brunswick, the next day at Elizabethtown, and the third day at Newark, and shall be kept open from ten o'clock in the morning, till five o'clock in the afternoon, each day; and twenty days' notice shall be given, by said commissioners, of such times and places, in two of the newspapers printed in Newark and New Brunswick, and one printed in Elizabethtown and Rahway; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving a preference to the citizens of New Jersey; and at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them; and that the residue of the subscription shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, by giving thirty days' public notice thereof, as aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of the company.

Stock to be apportioned.

Shares, how forfeited.

Election of directors.

SEC. 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 a like notice, as above, to choose nine directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote; and the said commissioners, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons

Subscription books and moneys delivered over.

duly elected, and deliver over the subscription books to said directors, and the moneys paid to them for subscriptions to said capital stock, as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors aforesaid; and the first directors, and yearly, the directors chosen at any election for that purpose, shall, as soon as may be after the election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the said board, or a majority of them, may appoint a president pro tempore.

Annual election of directors.

Election of president.

Vacancies, how supplied.

Five directors to form a board.

SEC. 5. *And be it enacted*, That five directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of the said corporation, by such instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments be not required at shorter periods than thirty days from each other; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents, and servants, as may be required to transact the business of the corporation, with such compensation to them and the president as to the board shall seem proper; and that they shall require from the treasurer such security as they may deem sufficient for the due performance of his trust; and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

Proviso.

Powers.

Treasurer to give security

Route of railroad.

SEC. 6. *And be it enacted*, That the said president and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying

out, and construction and repair of a railroad, not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary, from such convenient point in the city of New Brunswick, to be determined on by said company, by and with the consent of the corporation of said city, through or near the villages of Rahway and Woodbridge, and within one half mile of the market house of Elizabethtown, and through Newark, by the most practicable route; and thence contiguous to, or south of the bridges crossing the Hackensack and Passaic rivers, crossing Bergen ridge south of the turnpike road, to some convenient point, not less than fifty feet from high water mark on the Hudson river, opposite to the city of New York; *provided always*, that it shall be lawful for the said company to make any branch railroad to any ferry on the Hudson river, opposite to the city of New York aforesaid, to which the main line of said road shall not be located, which branch shall intersect the main line at a suitable point within one hundred yards of the Hackensack river, if the said main line shall cross the said river within one hundred yards of the present bridge; but if the said main line shall cross said river at a greater distance from said bridge, then to such point on said main line, west of said river, as may be best calculated to give to said ferries equal facilities of communication with Newark; and if the said company shall not make such branch as soon as the main line shall be made from Newark to the Hudson, then it shall be lawful for any person or persons owning such ferry to construct such branch as aforesaid, and to charge tolls thereon in the same manner and at the same rates as this corporation is authorized to charge; and for the purpose of constructing said branch railroad, he or they shall be invested with the same privileges, and be subject to the same liabilities and reservations, as this corporation are entitled and subject to; and the said companies, and their agents and servants, or others in their employ, may enter upon, take possession of, and use and excavate or level any land which may be wanted for the site of the said road; but all lands and real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of the owner or owners thereof, at a price to be mutually agreed upon between them; and in case of a disagreement as to price, it shall be the duty of either of the justices of the supreme court, upon a notice to be given him by the said corporation, or

May make branches.

Commissioners to appraise damages.

by the owner or owners of such land or real estate, to appoint three disinterested commissioners from the county in which the lands lie to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said corporation; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fencing on the line of the route of the 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 herein reposed in them) to deliver to the said corporation a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making, and maintaining the fencing, to be recorded, by the said corporation, in the office of the clerk of the county where such lands are situated; and upon payment, or tender of such compensation as aforesaid, to the said owner or owners, then the said corporation shall be deemed seized and possessed in fee-simple of all such land or real estate; and in case any owner or owners of such land or real estate, so appraised, shall be feme covert, under age, non compos mentis, or out of the state, then and in such case the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners; all which proceeding shall be had at the proper costs and charges of the said corporation, to be determined by the said justice of the supreme court; *provided always*, that should the owners of any real estate, land, or materials, feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be recovered than that awarded by the commissioners; *and, provided also*, that in case

Appeal may be had to common pleas.

the said company, after the same is completed, shall abandon the said road, or any part thereof, or cease to use and keep the same, or any part thereof, in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs and assigns; *and provided further*, if the state of New Jersey shall take possession of said road, then the said road and the title to the said lands shall be, and hereby is vested in the state of New Jersey, so long as they shall maintain the same.

Charter annulled in certain contingency.

Proviso.

SEC. 7. *And be it enacted*, That the said corporation may build bridges, fix scales and weights, raise embankments, or make any other works necessary for the construction, use, or enjoyment of the said railroad, and may also enter upon said road, and take possession of and use any materials necessary therefor; and if the said corporation and the owner or owners of such materials do not agree as to the price, the same shall be determined and settled in the manner heretofore provided for in the case of real estate or land; and in case of any damage done to the lands contiguous, by workmen and teams in the employ of the said corporation, either in constructing, repairing, or maintaining said railroad, the damages shall be determined in like manner, by commissioners appointed as aforesaid.

Corporation may take materials.

Damages ascertained.

SEC. 8. *And be it enacted*, That the said president and directors shall have power to charge and demand tolls and rates for the passage of all carriages upon the said railroad or roads, and to fix, make, and at pleasure change and alter such tolls and rates, and also to make regulations and rules for the collection and levying of the same, and to regulate the time and manner of transporting goods and passengers, and manner of collecting tolls, on the said railroad, and also the description and formation of carriages that shall or may be used on said railroad, and all necessary machines, engines, wagons, carriages, or vehicles; *provided*, that the said corporation shall cause the rates of tolls charged, to be inscribed or painted in some conspicuous place at each gate where toll shall be required to be paid; *provided also*, that the said tolls, so to be charged, shall at no time exceed the following rates, viz: for an

May charge tolls.

Proviso.

Rates of tolls.

New Jersey State Library

empty carriage with its appendages, weighing less than one ton, two cents per mile; above one, and under two tons, four cents per mile; above three tons or more, eight cents per mile; and the following additional tolls for passengers and freight, viz: in the carriages, as charged as aforesaid, for every species of property, six cents per ton per mile, and three cents per mile for each and every passenger carried on said railway in said carriages; *and provided also*, that no farmer, belonging to this state, shall be required to pay any toll for the transportation of the produce of his farm to market over the said road or roads in his own carriage, weighing not more than one ton, when the weight of such produce shall not exceed one thousand pounds, but the said farmer may be charged toll as for an empty carriage; *provided also*, that it shall be lawful for the said company to erect and build a branch railroad from their present route, or railroads, to any landing on or near the Passaic river, not north of Belleville, or to any point or points within the township of Newark, as may be deemed expedient, and to charge tolls thereon, in the same manner and at the same rate as this corporation is authorized to charge.

What toll farmers to be charged.

Proviso.

When road to be commenced and finished.

SEC. 9. *And be it enacted*, That if the corporation, hereby created, shall not, within two years from the passage of this act, commence the construction of said road at Jersey City and New Brunswick, and within five years thereafter construct, finish, and put in operation the said railroad or roads, then the said corporation shall thenceforth for ever cease, and this act be null and void.

Corporation may purchase turnpike roads and bridges.

SEC. 10. *And be it enacted*, That the said corporation shall have power to purchase the turnpike roads and bridges on the route of the said railroad which they may deem necessary, or any and all of the shares of the capital stock of such roads and bridge companies, and to hold the same as stockholders therein; and the state and individual stockholders of the Newark Turnpike Company shall be at liberty to subscribe in the capital stock herein created, at any time within two years after the opening the books of subscription, an amount of shares equal in value to the fair actual value of their stock in the aforesaid company, at the time of passing this act, and in exchange therefor; and the said corporation shall purchase from the state and the stockholders of the said company, if requested so to do, the stock held

by them therein, and to pay for the same the fair actual value thereof, as aforesaid, as may be mutually agreed upon within two years from the passing of this act, or, in case of disagreement, as shall be ascertained and determined by the chancellor of this state; *provided*, that the said Newark turnpike, and the bridges over the rivers Hackensack, Passaic, and Raritan, and road, shall be preserved without obstructions as public roads, as heretofore, subject to the provisions of their several charters; *provided also*, that nothing herein contained shall be so construed as to impair any reversionary interest or vested rights which the state or any incorporated company or companies, or any individual, may possess, in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the act incorporating the "Newark Turnpike Company," passed December first, eighteen hundred and four. Proviso.

SEC. 11. *And be it enacted*, That, for the purpose of protecting their works from the overflowing of the tides on the meadows or lowlands, on any part of the route of the said railroad, it shall and may be lawful for the said corporation, or their agents, to enter into and upon any part of the said meadows or lowlands, to remove every obstruction to the free passage of the water within the limits aforesaid, and to erect, cast up, or make good and sufficient banks, dams, floodgates, sluices, and every other work, which, on any part of the said meadows, they may deem necessary to keep out the tide at all times, and to dig, open, and clear out all such sluices and watercourses as may be required to drain the same; *provided always*, that the payment, or tender of payment, of all damages for the lands through which the said railroad shall be laid out, and also for all materials to be used in the making and constructing of said railroad, and also that all damages occasioned by entering upon the meadows or lowlands to remove obstructions to the free passage of the water, and to make dams, sluices, &c., be made before the said company, or any person under their direction or employ, shall enter upon and break ground on the premises, except for the purposes of surveying and laying out the said road, unless the consent of the owner or owners be first had and obtained in writing. May remove obstructions, &c. Proviso.

Bridges to be built.

SEC. 12. *And be it enacted*, That the said corporation may construct the said railroad across or upon any road or highway, stream of water or watercourse, if the same be necessary; but the said corporation shall restore such road, highway, or stream of water, or watercourse, to such state or condition as not to impair its usefulness; *provided always*, that in case the said company shall deem it expedient to cross any navigable river with the said railroad, they shall be at liberty to erect and build a bridge for that purpose over the said river, with a draw therein of at least thirty feet width; and, for the safety of persons navigating said river, the said company shall cause to be kept near the said draw one or more lamps, which shall be lighted every evening thereafter before it grows dark, and continue lighted till daylight, at the expense of said company, and shall keep, or cause to be kept, at such bridge a careful person to open such draw for the free passage of vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open said draw, the directors of the said company shall forfeit and pay the sum of ten dollars, to be recovered with cost, in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

Limitation of tolls, &c.

SEC. 13. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, and right; *provided*, that they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said railways, in the carriages of the company; *provided also*, that the said company shall not be authorized to charge more than the sum of one dollar and twenty-five cents for each and every passenger carried on said road from and to the cities of New Brunswick and New York.

What real estate company may hold.

SEC. 14. *And be it enacted*, That the said company may have and hold real estate, at the commencement and terminations of said road or roads, not exceeding three acres at each place, and may erect and build thereon houses, warehouses,

stables, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain, on the rivers Passaic and Hackensack, respectively, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Penalty for injuring road or property.

SEC. 15. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said railroad, or any building, machinery, or other work of the said corporation, appertaining thereto, such person shall forfeit and pay therefor, to the said corporation three times the amount of the damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Cost of road to be filed.

SEC. 16. *And be it enacted*, That on the first day of January next, after the completion of the said roads, the president and treasurer, and a majority of the directors of the said corporation, shall exhibit to the governor of this state, on oath or affirmation, a true and perfect account of all the cost and expenditure of said corporation, in making said railroad, and the same shall be filed in the office of the secretary of this state, and the amount therein specified shall be deemed and taken to be the true value of said road; and it shall be the duty of the treasurer of the said corporation, under his oath or affirmation, to make thereafter annual returns of the number of passengers, the number of tons of goods, wares, and merchandises transported upon said railroad, to the treasurer of this state.

Appraisement of railroad to be made at the end of thirty years.

SEC. 17. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of 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, shall report as aforesaid; or in case the said

company shall neglect or refuse to appoint the said three persons, on their part, for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid; and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state; and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

State may take road upon payment of appraisement.

Valuation to be made without reference to advance of stock.

When tax to be paid.

SEC. 18. *And be it enacted*, That from and after the completion of the said railroad, and after the expiration of five years, the said corporation shall pay into the treasury of this state, yearly and every year, a tax of one quarter of one per cent. upon their capital stock paid in; and after the expiration of ten years, a tax of one half of one per cent. upon the true amount of the capital stock of said company; and that no other or further tax or imposition shall be levied or imposed upon the said company; *provided nevertheless*, that, in addition to the above, if at any time hereafter any railroad shall intersect or be attached to the railroad hereby established, so as to make a continued line of railroads, carrying passengers across the state of New Jersey between the states of New York and Pennsylvania, respectively, then it shall be the duty of the treasurer of the company hereby chartered, under oath or affirmation, to make

Proviso.

quarterly returns of the number of passengers, and the number of tons of goods, wares, and merchandise transported over the whole line of the road hereby chartered, to the treasurer of this state for the time being, and thereupon to pay the said treasurer of this state at the rate of eight cents for each and every passenger, and the sum of twelve cents for each and every ton of goods, wares, and merchandise so transported thereon in manner aforesaid. When quarterly returns made, and transit duties paid to state.

SEC. 19. *And be it enacted*, That it shall and may be lawful for the president and directors for the time being, whenever they may deem it expedient, to call a special meeting of the stockholders, by giving the like notice, as herein before directed, for choosing directors, specifying therein the object of said meeting; but that no business shall be transacted by such meeting, unless there be present a majority, in value, of the stockholders, who may require any books, accounts, securities, or other papers of said corporation to be exhibited before them. Meeting of stockholders may be called.

SEC. 20. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass and repass to and from the same. Passage over public roads not to be obstructed.

SEC. 21. *And be it enacted*, That the state shall have the privilege of subscribing for one-fourth of the capital stock of this company, and shall have the appointment of three of the said directors of the company to represent the same; but if the said stock shall not be subscribed for within two years after the location of the route of said road shall have been fixed and determined upon, and filed in the office of the secretary of state, then the right to subscribe therefor by the state shall cease. See act of Jan. 26, 1837.

SEC. 22. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever. Public act.

SEC. 23. *And be it enacted*, That no part of the funds of this company shall be used for banking or other purposes, not plainly indicated by the provisions of this act. Capital not to be employed in banking.

An Act relative to the New Jersey Railroad and Transportation Company.

Passed January 26, 1837.

Preamble.

WHEREAS the privilege of subscribing for one-fourth of the capital stock of the New Jersey Railroad and Transportation Company, amounting to the sum of three hundred and seventy-five thousand dollars, secured to the state by the twenty-first section of the act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two, will expire before the next session of the legislature, thereby requiring the action of the present legislature upon the subject; and whereas the said company are willing, in case the state will relinquish a portion of the stock, reserved as aforesaid, equal to the amount of two hundred and seventy-five thousand dollars, and loan the company the sum of one hundred thousand dollars, at a rate of interest of six per cent. per annum, to extend to the state the privilege of investing in their stock an amount equal to the amount of said loan, for a term not exceeding seven years; and it appearing that such loan would be safe and advantageous to the interests of the state—now therefore,

Trustees of free schools to loan $100,000 to N. J. Railroad Co.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the trustees for the support of free schools be, and they are hereby authorized and directed to loan, on good and sufficient security, to the New Jersey Railroad and Transportation Company the sum of one hundred thousand dollars, at the rate of interest of six per cent. per annum, payable half-yearly, to be returned by the said company, at any time, on twelve months' notice being given them for that purpose; *provided,* the said company will, at the time the said loan is made, secure to the state the privilege of investing the amount of said loan in their capital stock, at par, at any time during the term of seven years from the passing of this act, at the discretion of the legislature of this state; and in case such investment shall be made, the state shall have the appointment of one of the directors of said company, said appointment to be made by the governor, or the person administering the government.

Proviso.

Part of former act repealed.

SEC. 2. *And be it enacted,* That the twenty-first section of the aforesaid act incorporating said company, except so far as is herein before provided for, be, and the same is hereby repealed.

A supplement to the act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the eighth day of March, one thousand eight hundred and thirty-two.

Passed November 11, 1837.

Capital stock increased.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of the New Jersey Railroad and Transportation Company be, and the same is hereby increased five hundred thousand dollars; and the additional capital hereby created shall be part of the capital stock of said corporation, divided into shares of fifty dollars each, held and transferred in the same manner, and entitled to the same privileges and benefits, as the capital stock created by the act to which this is a supplement.

Mode of subscribing for, and distributing additional stock.

SEC. 2. *And be it enacted,* That the said additional stock shall and may be called in from time to time, as the directors of said company shall deem expedient, of which twenty days' notice shall be given in one or more of the public newspapers printed in the city of Newark; and the same, when so called in, shall be allotted ratably among the several stockholders of said company, in proportion to the number of shares held by them, respectively, at least three days prior to the time for subscribing for such new stock; and in case it shall so happen that, at the time noticed for subscribing to any such additional capital, any such stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them, respectively, as aforesaid; or the said directors may, from time to time, sell or dispose of the said shares, forfeited as aforesaid, in such manner as they may think most for the interest of said company, at not less than the par value, and the overplus, if any, be credited to the account of the profits of the said company; *provided always,* that nothing in this act contained shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the act to which this is a supplement, except only so as to increase the capital stock of said company to the amount aforesaid.

Act not to take effect till accepted by company.

SEC. 3. *And be it enacted,* That this act shall not go into effect until the board of directors of the New Jersey Railroad and

Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of this state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

In conformity with the requisitions of the third section of the preceding law, entitled, "A supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company, passed the eighth day of March, one thousand eight hundred and thirty-two," the following certified copy of the acceptance of the provisions of said law by the said company, is here published:

Preamble. WHEREAS the legislature of the state of New Jersey did, on the tenth day of November, in the year of our Lord one thousand eight hundred and thirty-seven, pass an act entitled, "A supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company, passed the eighth day of March, one thousand eight hundred and thirty-two;" and whereas the third section of the said act enacts "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of this state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance"—

Acceptance. *Be it therefore hereby certified,* That the New Jersey Railroad and Transportation Company do accept this said act, as a supplement to, and part of the charter of said company.

Witness the hands of the president and secretary and the seal of the said the New Jersey Railroad and Transportation Company, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-seven.

[L. S.] JOHN S. DARCY,
President of the New Jersey Railroad and Transportation Company.

JOHN P. JACKSON,
Secretary of the New Jersey Railroad and Transportation Company.

Endorsed—"Filed December 2, 1837."

"J. D. WESTCOTT."

STATE OF NEW JERSEY, *ss.*—I, James D. Westcott, secretary of state of New Jersey, do hereby certify, that the foregoing is a true copy of the certificate of acceptance, by the New Jersey Railroad and Transportation Company, of the law of said state, passed the eleventh day of November, A. D. one thousand eight hundred and thirty-seven, entitled, "A supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company, passed the eighth day of March, one thousand eight hundred and thirty-two," as taken from, and compared with the original, now on file in my office. Seal of secretary of state.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in said state, this sixteenth day of March, A. D. one thousand eight hundred and thirty-eight, (1838).

JAMES D. WESTCOTT.

JOINT RESOLUTION.

Passed February 29, 1840.

BE IT RESOLVED *by the Council and General Assembly,* That the treasurer and attorney general of this state be, and they hereby are authorized to submit to the decision of the supreme court of this state, all the matters in difference which have arisen

between the said treasurer and the officers of the Camden and Amboy Railroad and Transportation Company, and those of the New Jersey Railroad and Transportation Company, respecting transit duties and taxes; and, in case it shall be deemed expedient, that they have authority to employ counsel.

JOINT RESOLUTION.

Passed March 4, 1842.

Amount of transit duties to be paid.

RESOLVED *by the Council and General Assembly of this State*, That the treasurer of this state be authorized and directed to receive from the New Jersey Railroad and Transportation Company the sum of eight cents for every passenger, and the sum of twelve cents for every ton of goods, wares, or merchandise transported, or to be transported, on the said company's railroad, from the southern termination thereof, in the city of New Brunswick, to Jersey City, or from Jersey City to the said southern termination, in full satisfaction of all claims for tax or transit duties of the state against said company, under and by virtue of the act incorporating the same, until the expiration of five years from the first day of January, one thousand eight hundred and thirty-nine, when, in addition to the said transit duties, he shall receive and collect yearly and every year, from the said company, "a tax of one quarter of one per cent. upon their capital stock paid in;" and after the expiration of ten years, from the said first day of January, eighteen hundred and thirty-nine, "a tax of one half of one per cent. upon the true amount of the capital stock of said company.

Additional tax after expiration of certain time.

An Act relative to the tax and transit duty payable to the state by the New Jersey Railroad and Transportation Company.

Approved April 18, 1846.

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

hereby authorized and directed to receive from the New Jersey Railroad and Transportation Company, on the first day of January of each and every year, until the year one thousand eight hundred and forty-nine, the sum of four thousand dollars per annum, being the tax of one-fourth per centum on their capital stock paid in; *provided however*, that nothing herein contained shall in any wise affect the payments to the state, by the said company thereafter, of the tax of one half per centum required by the eighteenth section of the act incorporating said company. Amount of tax to be paid.

2. *And be it enacted*, That it shall be the duty of the treasurer of the aforesaid company, in addition to the returns now required by law, to make hereafter, in each and every year, quarterly returns, under oath or affirmation, to the treasurer of this state, of the whole amount of moneys received by the said company from passengers for whom the said company are subject by law to pay transit duties to the state; and the treasurer of said company shall thereupon pay quarterly, in each and every year, to the treasurer of this state, the sum of eight cents for every dollar so received in payment of the transit duties chargeable for passengers on said company, by their act of incorporation. Treasurer of company to make quarterly returns.

3. *And be it enacted*, That this act shall go into effect as soon as the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of the said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance. When act to take effect.

4. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it. Act may be amended.

WHEREAS the legislature of the state of New Jersey did, at their late session, pass an act entitled, "An act relative to the tax Acceptance.

and transit duty payable to the state by the New Jersey Railroad and Transportation Company;" and whereas the third section of the said act enacts "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of the said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of this state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance"—

Be it therefore hereby certified, That the New Jersey Railroad and Transportation Company do accept this said act, as a supplement to, and part of the charter of said company.

Witness the hands of the president and secretary and the seal of the said the New Jersey Railroad and Transportation Company, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and forty-six.

JOHN S. DARCY, [L. S.]
Prest. N. J. R. R. & T. Company.

JOHN P. JACKSON,
Sec. N. J. R. R. and T. Company.

A true copy:

CHARLES G. McCHESNEY, *Sec'y of State.*

Endorsed—"Filed May 4, 1846."

A further supplement to the act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh of March, one thousand eight hundred and thirty-two.

Approved February 4, 1848.

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 New Jersey

Railroad and Transportation Company be, and the same is hereby increased five hundred thousand dollars; and the additional capital hereby created shall be part of the capital stock of said corporation, divided into shares of fifty dollars each, held and transferred in the same manner, entitled to the same privileges and benefits, and subject to the same annual tax, as the capital stock created by the act to which this is a supplement is now or may hereafter be subject to.

Additional stock to be allotted ratably.

2. *And be it enacted*, That the said additional stock shall be allotted ratably among the stockholders of said company, in proportion to the number of shares held by them, respectively, thirty days prior to the time for subscribing for such new stock; *provided always*, that nothing in this act contained shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the act to which this is a supplement, except only so as to increase the capital stock of said company to the amount aforesaid.

When act to take effect.

3. *And be it enacted*, That this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of state; a certified copy of which acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

CERTIFICATE OF NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY.

Preamble.

WHEREAS the legislature of New Jersey did, at its last session, pass an act entitled, "A further supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company," passed the eighth day of March, one thousand eight hundred and thirty-two; and whereas, by the third section of the said act, it is enacted, "that this act shall not

go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of said company, under the hands of the president and secretary and corporate seal of said company, and file the same in the office of the secretary of this state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance"—

Acceptance.

Be it therefore certified, That the New Jersey Railroad and Transportation Company do accept this said act, as a supplement to, and part of the charter of said company.

Witness the hands of the president and secretary, and the seal of the said the New Jersey Railroad and Transportation Company, this nineteenth day of April, in the year of our Lord one thousand eight hundred and forty-eight.

JOHN S. DARCY, [L. S.]
Pres't N. J. R. R. & Trans. Co.

JOHN P. JACKSON,
Sec'y N. J. R. R. & Trans. Co.

Endorsed—"Filed April 20, 1848."

A true copy:

CHARLES G. McCHESNEY, *Sec'y of State.*

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