

33005
ACTS

OF THE

EIGHTIETH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWELFTH UNDER THE NEW CONSTITUTION.



NEW BRUNSWICK, N. J.:
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1856.



ACTS
OF THE
EIGHTIETH LEGISLATURE
OF THE
STATE OF NEW JERSEY.

CHAPTER I.

A FURTHER SUPPLEMENT to an act entitled, "An act for the better relief and employment of the poor of the county of Salem."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all poor persons settled within the county of Salem; being objects of relief, who cannot, without violating the rights of humanity, be removed to the poor-house, shall receive such support as the nature of the case may require, wherever they may be, at the discretion of the overseers of the poor of the township in which they may be, with the concurrence of the trustee of the poor of such township, and at the expense of such township, until they are removed to the poor house; and the expense of such support, and also the expenses of the burial of such person, if he or she shall die whilst receiving such support, shall be paid by the township committee of such township, upon an order therefor signed by such trustee.

Expenses of support, how paid until sent to poor house.

New Jersey State Library

Expenses of
persons sent
to poor house

2. *And be it enacted*, That every person belonging to any of the townships of the said county of Salem, who by the overseers of the poor of the township in which he or she shall be, in said county, may with the concurrence of the trustee of the poor of such township, be judged an object of public relief, and shall, when in a condition to be removed, by an order in writing signed by such trustee and overseer of the poor, directed to the steward of the poor house, be sent to the said poor house, there to be received and provided for, at the expense of the said county, subject to such rules, directions and regulations as have or shall be ordained and established by "the trustees of the poor of the county of Salem."

Trustees may
administer
oaths, &c.

3. *And be it enacted*, That any oath or affirmation required to be taken or administered under the act to which this is a further supplement, or under any supplement thereto, may be taken before and administered by any one of the trustees of the poor of the county of Salem.

Part of former act
repealed.

4. *And be it enacted*, That the second and tenth sections of the act to which this is a further supplement, approved April 10, 1846, and also an act entitled, "A further supplement to an act entitled an act for the better relief and employment of the poor of the county of Salem," approved March 24, 1855, be and the same are hereby repealed.

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

WILLIAM C. ALEXANDER,

President of the Senate.

THOS. W. DEMAREST,

Speaker of the House of Assembly.

Approved January 25, 1856.

RODMAN M. PRICE.

CHAPTER II.

AN ACT to incorporate the Washington Market House Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John S. Read, Ralph Lee, James M. Cassady, Isaac W. Mickle, Lewis Seal, Matthew Miller, jr., John Ross, John K. Cowperthwaite, Henry Fredericks, Joseph T. Rowand and William P. Tatem, and their associates, shall be and they hereby are created a body politic and corporate, by the name of "the Washington Market House Company," and by that name they shall have power to purchase and hold a suitable site or sites for, and erect thereon, one or more market houses, in the city of Camden, for the sale of country produce and other commodities therein, and shall have power to make and erect stalls, stands, and other conveniences in said house or houses, for the sale of said produce and commodities, and to lease the same at pleasure, for such term or terms, and for such rent as may be agreed upon ; and shall have all such other powers as are necessary or proper to carry into effect the object of this act ; and shall have such other incidental corporate powers as are enumerated in the first section of the act concerning corporations.

2. *And be it enacted*, That the capital stock of said company shall be forty-five thousand dollars, with the liberty to increase the same to seventy-five thousand dollars, and shall be divided into shares of fifty dollars each, which shall be subscribed and paid at such times, in such manner, in such instalments, and upon such notice, as the directors of the said company by their by-laws, or otherwise, may direct and appoint, and such shares shall be deemed personal property, transferable only on the books of the company, in such manner as the by-laws shall direct.

3. *And be it enacted*, That the affairs of said company shall be managed by eleven directors, to be chosen by the stockholders of said company, annually, on the first Monday in May, in such manner as by the by-laws of said company may be directed, who shall serve for one year, and until others shall be chosen in their stead, notice of which said election shall be

Annual election of directors.

previously given for two weeks, at least, in some newspaper published in the city of Camden; the said directors shall from time to time elect and appoint a president, secretary, and treasurer, from their body, and shall also elect and appoint such other officers as may be convenient and necessary, and shall have power to fill any vacancy that may occur in their own body, until the next annual election.

First directors.

4. *And be it enacted*, That John S. Read, Ralph Lee, James M. Cassady, Isaac W. Mickle, Matthew Miller, jr., John Ross, John K. Cowperthwaite, Henry Fredericks, Joseph T. Rowand and William P. Tatem, shall be the first directors of said company, who shall, or a majority of them, as soon as convenient after the passage of this act, assemble and organise said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Company may make by-laws, &c.

5. *And be it enacted*, That the said company shall have power to make such by-laws, rules and regulations, as they may deem expedient for the government of the company, and the well conducting and transacting of their business; *provided*, the same are not repugnant to the constitution and laws of this state, or of the United States.

Proviso

Annual statement to be made.

6. *And be it enacted*, That it shall be the duty of the president and directors of the preceeding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, at each and every annual meeting of the stockholders, and shall produce the books, accounts and papers of the corporation, if required to do so by any one or more of the stockholders.

Limitation.

7. *And be it enacted*, That this act shall go into effect immediately, and shall continue in force for thirty years, the legislature reserving the right at any time to alter, amend or repeal the same.

Approved January 25, 1856.

CHAPTER III.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Mount Hope Mining Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Mount Hope Mining Company to increase its capital stock and the number of shares, in such manner, and at such times, as by the stockholders of said company may be deemed expedient; *provided*, that the number of shares and increase of capital stock hereby authorized do not exceed three hundred thousand dollars. Capital stock may be increased.
 Provide

Approved January 25, 1856.

CHAPTER IV.

AN ACT to incorporate the Hunterdon County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hugh Capner, Charles Bartles, Jacob S. Williamson, Alexander V. Bonnell, Judiah Higgins, senior, and Andrew Vansickel, of the county of Hunterdon, and their associates and successors, shall be, and they are hereby, constituted a body politic and corporate, by the name of the "Hunterdon County Agricultural Society." Names of corporators.

2. *And be it enacted*, That the said society shall from time to time have power to make, ordain, and establish such constitution, by-laws and regulations as they shall judge proper for the designation of the officers of said society, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, Society may make by-laws, &c.

Proviso. managing and directing the affairs of the society; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state or the United States.

Corporation may hold real estate. 3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as shall be

Proviso. necessary to promote the objects of the society; *provided*, that such real estate shall at no time exceed in value the sum of ten thousand dollars; and whenever it shall see fit, the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

Property not liable to taxation. 4. *And be it enacted*, That all land or other property which may hereafter be owned by said society, and used for the purpose of promoting the objects of said society, shall not be liable to have any taxes assessed and levied upon it for any purpose whatsoever; *provided*, that such personal estate shall not exceed in value the sum of five thousand dollars.

Proviso.

Approved January 31, 1856.

CHAPTER V.

A SUPPLEMENT TO "An act relative to commissioners for taking the acknowledgment and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six.

Additional commissioner in Pennsylvania.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Governor of this state, by and with the consent of the Senate, be, and he is hereby authorized, to name, appoint and commission an additional commissioner for New Jersey, resident in Pennsylvania, with the same powers and authority given to the other commissioners

resident in Pennsylvania, by the act to which this is a supplement.

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

Approved January 31, 1856.

CHAPTER VI.

A SUPPLEMENT to an act entitled "An act to incorporate the Jefferson Machine Works," passed February fifteenth, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "the Jefferson Machine Works" be hereafter known and designated by the name and style of "the Rogers Locomotive and Machine Works," and by that name have and exercise all the powers and privileges conferred by the act to which this is a supplement, and be liable to all the duties and obligations by said act imposed. Corporate name changed.

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

Approved January 31, 1856.

LAWS OF NEW JERSEY.

CHAPTER VII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the New Jersey, Hudson and Delaware Railroad Company."

Time for
commence-
ment of work
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period limited by the supplementary act of February tenth, eighteen hundred and forty-seven, for the commencement of the road or roads of the New Jersey, Hudson and Delaware Railroad Company, be extended for the period of five years.

Approved February 5, 1856.

CHAPTER VIII.

AN ACT to restore section number fifteen in an act to incorporate the Hackettstown Bank, at Hackettstown, Warren county, New Jersey, by which the increase of capital of seventy-five thousand dollars was lost by an omission of the engrossing clerk of the Senate, at the last session of the Legislature.

Preamble.

WHEREAS, in the act to incorporate the Hackettstown Bank, of the county of Warren, at Hackettstown, passed the third day of April, in the year eighteen hundred and fifty-five, section number fifteen (by which the privilege of increasing the capital stock of said bank to one hundred and fifty thousand dollars was given) was omitted by the engrossing clerk of the Senate; therefore,

Section res-
tored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid omission of the engrossing clerk be and the same is hereby rectified, and that the said-omitted section, which is as follows: "15. *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 their capital stock to one hundred and fifty thousand dollars, by opening subscriptions for the additional sum of seventy-five thousand dollars, in the same manner and under the same provision as is directed and contained in the first section of this act, and subject to all the conditions and regulations hereinbefore imposed, except that the commissioners for receiving said subscriptions may be appointed by the said company," is hereby restored, and shall be deemed and taken to be an integral part of the charter of the said Hackettstown Bank, of the county of Warren, at Hackettstown, in all courts and places whatsoever.

Passed February 7, 1856.

CHAPTER IX.

A FURTHER SUPPLEMENT to the act entitled "An act to regulate the practice of the courts of law," approved the fifteenth day of April, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A supplement to the act entitled 'an act to regulate the practice of the courts of law,'" approved April fifteenth, eighteen hundred and forty-six, which supplement was approved on the first day of March, in the year eighteen hundred and forty-nine, shall be taken, deemed and construed, in all courts of law and equity in this state, to refer and apply to and include all commissioners to take bail and administer oaths and affirmations, appointed or to be appointed by the

Construction
of first sec-
tion of for-
mer act.

justices of the supreme court of judicature of this state, and commissioned or to be commissioned accordingly under any law of this state.

Approved February 7, 1856.

CHAPTER X.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company."

Additional
stock may be
issued.

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 Camden and Atlantic Railroad Company" to issue the additional stock of one million of dollars, provided for in the second section of the act to which this is a supplement, as a preferred stock, to be issued in shares of fifty dollars each, and subscribed for and called in, in such manner and by such instalments as the directors of the said company may from time to time prescribe and direct; and that when so issued and declared to be preferred stock, the holders thereof, respectively, shall be entitled to receive a dividend on the same, not to exceed seven per centum per annum, before any dividend shall be set apart or paid on the other and ordinary stock of said company.

Directors au-
thorized to
sell stock to
creditors.

2. *And be it enacted*, That the directors of the said company shall be authorized to sell and dispose of the said preferred stock, or any part thereof, to the creditors of the said company, respectively, in payment and discharge of the debts of the said company, upon such terms and conditions as may be agreed upon between the said company and the said creditors, respectively.

Approved February 7, 1856.

CHAPTER XI.

AN ACT to confirm a certain deed from Clement Hance and others, to Isaiah Toy.

WHEREAS, the execution of a certain deed of conveyance of lands in the township of Chester, in the county of Burlington, by Clement Hance, and Ann his wife, and Evan Witchell and others, of the county of Philadelphia, in the state of Pennsylvania, to Isaiah Toy, bearing date the fifteenth day of January, A. D., eighteen hundred and twenty-one, and of record in the clerk's office of the county of Burlington, in book M 2 of deeds, page thirty-seven, &c., was duly acknowledged before Robert Wharton, Esq., Mayor of the city of Philadelphia, on the twenty-ninth day of January, A. D., eighteen hundred and twenty-one, by the said Clement and Ann Hance and Evan Witchell, and a certificate of the said acknowledgment made by the said Mayor upon the said deed, as by reference thereto fully appears: but because it does not appear by the said certificate that the seal affixed thereto was the seal of the city of Philadelphia, as required by the law of this state respecting conveyances, doubts are suggested in regard to the validity of said certificate, which in justice ought to be removed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed and certificate of acknowledgment thereof, and also the said record of said deed, shall be deemed and considered as good, valid, and sufficient in law, and so be taken and received in evidence, as if the said acknowledgment of the said deed had been by said Mayor duly certified under the seal of the said city, and that it so appeared on the face of said certificate; any law, custom or usage to the contrary notwithstanding.

Approved February 7, 1856.

Preamble.

Deed and record confirmed.

CHAPTER XII.

AN ACT to amend the act entitled "An act to authorize the construction of a draw or swing bridge over the Elizabethtown creek," passed February sixth, one thousand eight hundred and fifty-five.

Corporate powers transferred to Elizabethtown Land Improvement Co.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the power and authority given in the first section of the said act to the chosen freeholders of the county of Essex, to build and maintain a bridge over the Elizabethtown creek, as therein mentioned, be, and hereby are transferred to and vested in "the Elizabethtown Land Improvement Company," their successors and assigns.

Company to provide for opening draws.

2. And be it enacted, That the said, "the Elizabethtown Land Improvement Company," their successors and assigns, shall at all times be bound to provide for opening the draw or swing in said bridge, for the passage of vessels and boats, so that they shall not be subjected to unnecessary detention by reason of the same.

Rates of toll.

3. And be it enacted, That as soon as the said bridge shall be built in a workmanlike and proper manner, according to the directions, true intent and meaning of said act, it shall be lawful for the said, "the Elizabethtown Land Improvement Company," their successors and assigns, to demand and receive toll for crossing the said bridge, not exceeding the following rates, to-wit:

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

For the same, drawn by more than one beast, three cents.

For every horse or other beast, one cent.

And it shall be lawful for the said, "the Elizabethtown Land Improvement Company," to stop persons riding, leading or driving any horses, cattle or other beasts, or carriages of burthen or pleasure, from crossing said bridge until they shall have paid the toll as above specified.

Part of former act repealed.

4. And be it enacted, That the third section of said act, and all other parts thereof inconsistent herewith, be, and the same are hereby repealed.

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

Approved February 7, 1856.

CHAPTER XIII.

A FURTHER SUPPLEMENT to "An act to incorporate the Belleville Railroad and Transportation Company," passed February sixteenth, eighteen hundred and thirty-six.

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 Belleville Railroad and Transportation Company to survey, lay out, and construct a railroad on the westerly side of the Passaic river; from the township of Belleville to some point or points on any existing railroad in the city of Newark; and for this purpose the said company shall be invested with all the powers and privileges, and be subject to all the liabilities and restrictions contained in the original act of incorporation and the supplements thereto; *provided*, that nothing in this act shall authorize any connection with, or use of, any portion of such existing railroad without the consent of the company to which the same may belong, given in writing under the seal of said company, and filed in the office of the secretary of state, accepting the provisions of this act so far as said company may be affected thereby.

Company authorized to construct road on westerly side of Passaic river

Provide

2. *And be it enacted*, That the time limited by the act to which this is a supplement, for the commencement of the said road, shall be computed from the first day of January, 1857, and that in case the entire road shall not be completed in the time limited therefor, there shall be no forfeiture of the act of

Time limited for the commencement of road.

incorporation so far as to affect that portion of the road actually completed.

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

Approved February 7, 1856.

CHAPTER XIV.

AN ACT to incorporate the Hibernia Iron Company.

Names of
corporators.

Objects of in-
corporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore T. Wood, Albert H. Stanburrough, Lyman A. Chandler, Pierson A. Freeman and Edward Pierson, and the survivors or survivor of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be, and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "the Hibernia Iron Company," for the purpose of mining, smelting, manufacturing and vending ores, iron, steel, minerals, earth, and metallic substances of every description, in the most advantageous manner, in the county of Morris, in this state, and carrying on the business incident thereto; and that they and their successors, by that name, shall be able and capable in law to acquire, receive, have, hold and enjoy any lands, tenements and hereditaments within the county of Morris, and goods and chattels of whatever kind and quality necessary for the purposes aforesaid; and the same, or either, or any part thereof to sell, grant, demise, alien and dispose of; and that by that name they and their successors shall have all the powers which, by the laws of this state, are now incident and belong to every corporation.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and shall be transferable in such manner as the said corporation shall by their by-laws direct; and it shall be lawful for said company, when one hundred thousand dollars capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under penalty of forfeiting the shares of said stockholders, and all previous payments thereon, if such payment or payments so called for and demanded shall not be made within sixty days after notice of such call and demand shall have been published, for at least four weeks, in one of the newspapers published in said county.

Amount of
capital stock

3. *And be it enacted*, That the subscription of the said capital stock shall be opened in Morristown, in said county, for any time not exceeding sixty days, under the direction of the board of directors, or of such of them as shall be designated by the said board for that purpose, at such time as they shall appoint.

Subscription
to capital
stock.

4. *And be it enacted*, That the said company shall have power, and they are hereby authorized to construct and use in the transportation of iron ore, manufactured iron or steel, or any other ores, earths, minerals, or metallic substances as aforesaid, or any articles necessary and proper for the use of said company in its operations, a railroad or roads from the mine in the township of Rockaway, in the county aforesaid, called "the Hibernia Mine," to connect with the Morris canal or the railroad of the Morris and Essex Railroad Company, by and with the consent of said railroad company first obtained, in the county of Morris aforesaid, or between the said mine and the other works of said company; and to use

Company
authorized to
construct
railroad.

upon said railroad locomotive engines, and such carriages as may be necessary or proper for the convenient use of said railroads for the purposes aforesaid; and when such railroad shall cross any public highway it shall be the duty of said company to make and keep in repair suitable wagon-ways, over or under the same, so that the passage of carriages, horses, and cattle, on the said highways, shall not be impeded thereby; and it shall be the duty of said company to construct, or cause to be constructed, a good and substantial fence enclosing such railroad.

Company
may acquire
right of way.

Proviso.

Annual
election of
directors.

5. *And be it enacted*, That it shall be lawful for the said company to acquire the right of way for such road or roads, by purchase or agreement, from or with the owner or owners of the lands over which the same may be laid out; and any deed or agreement made between said company and the landholder or landholders shall be valid and effectual in law: *Provided*, the same be in writing, and signed by the party to be affected thereby, or his agent thereto lawfully authorized; and said company shall and may hold said railroads, and their appurtenances, when constructed, as a part of the property of said company.

6. *And be it enacted*, That the stock, property, and concerns of said company, shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday in June, in every year; and that said directors shall be chosen on the last Wednesday in May, in every year, at such time and place as shall be directed by the by-laws of said company, by such stockholders as shall attend for that purpose, either in person or by proxy; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers, printed in this state, nearest the place where such election shall be made; and these elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company; and the persons having the greatest number of votes, being stockholders, shall be directors. And if it should happen at any election for directors, that two or more persons shall have an equal number

of votes, in such manner that a less number than five shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders, herein before authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five. And the said directors, so chosen, shall elect one out of their number to be president, and shall also appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of said whole number of directors being present when such election and appointments take place; and if it shall happen that any vacancy or vacancies occur by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, such vacancy or vacancies shall be filled from among the stockholders, by such person or persons as the directors for the time being, or a majority of them, shall appoint; and until other directors shall be chosen from the stockholders, the first directors shall be Theodore T. Wood, Albert H. Stanburrough, Lyman A. Chandler, Pierson A. Freeman and Edward Pierson, and the survivors and survivor of them, who shall hold their offices until the first Monday in June, eighteen hundred and fifty-seven, and until others are legally chosen.

Vacancies
how supplied

First
directors.

7. *And be it enacted*, That no dividend shall be made to and among the stockholders, except out of the profits of the said corporation.

Dividends.

8. *And be it enacted*, That in case it shall happen at any time that an election shall not be made on the day on which, pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Corporation
not dissolved
for failure
to elect on
day pre-
scribed.

9. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of business, and shall have power to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall seem to them necessary and convenient for the government,

Directors
may make
by-laws.

management and disposition of the stock, effects, property, profits and concerns of said corporation: *Provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Annual statement to be made.

10. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of the company, and which books shall be at all times open to the inspection of the stockholders; and a correct and full statement, in gross, of the affairs of said corporation shall be made to the stockholders at the annual meetings for the election of directors.

General powers.

11. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved February 14, 1846, so far as the same are applicable.

Limitation.

12. *And be it enacted*, That this act shall continue in force for a period of thirty years; but it shall be lawful for the legislature of this state at any time hereafter to alter, annul, or repeal this act, or any part thereof, whenever, in their opinion the public good requires it.

Approved February 15, 1856.

CHAPTER XV.

AN ACT to authorize the city of Trenton to purchase land for a public square, and to improve the same.

Common council authorized to purchase land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton, at any time hereafter, to con-

tract for, purchase, take and receive sufficient title therefor, of so much land, lying within said city, as said common council may deem proper, to be held forever as a public square, under such regulations as the said common council shall from time to time approve, and said square to enclose with a suitable fence, to grade, plant with trees and shrubbery, lay out in walks and otherwise improve the same.

2. *And be it enacted,* That to pay for the lands authorized to be purchased by this act, and for the improvements made thereon, it shall be lawful for the said common council to create a loan not exceeding fifty thousand dollars, and to issue the bonds of the city therefor, payable in twenty years from their date, and bearing interest at six per centum per annum, payable semi-annually, and shall not be subject or liable to any tax which may be thereafter levied or assessed by order of the common council of said city.

Authorized
to create
loan.

3. *And be it enacted,* That none of said bonds shall be sold or disposed of at less than their par value; and the proceeds thereof shall be applied exclusively to the purposes contemplated by this act, and to no other purpose whatever.

Bonds not to
be sold for
less than par
value.

4. *And be it enacted,* That at the first stated meeting of said common council in the month of May, eighteen hundred and fifty-six, and annually thereafter, it shall be the duty of said common council to appoint three commissioners, to be called the commissioners of public grounds, who shall hold their respective offices for the term of one year, and until their successors are chosen, for the purpose of carrying into effect the provisions of this act; and said commissioners shall have authority to purchase suitable ground for a public square, and to lay out and grade streets and avenues on and adjoining said public square, and otherwise improve the same; in such manner as they may deem necessary, and shall have power to assess the expense of laying out and grading said streets and avenues, and improving said public square, upon such property in the vicinity thereof, as said commissioners may consider benefited by said improvements; and the affidavits of said expense made by any two of said commissioners, filed with the clerk of said city, shall fix and determine the amount thereof; and said expense shall be a lien on the property against

Commission
ers to be
appointed
annually.

Proviso.

Purchase to
be ratified by
common
council.

Proviso

Electors to
vote upon
question of
purchase.

which it may be assessed, for the proportion fixed by said assessment, and the same may be collected in the way in which the expense of paving side walks is by law authorized to be collected; *provided* said common council shall fail to appoint said commissioners at the time above designated, they may be appointed at any stated meeting thereafter.

5. *And be it enacted*, That the assent of said common council shall be necessary to ratify and confirm the said purchase, before the same shall be binding upon said city, and no improvements shall be made thereon until ordered by common council, and the said common council shall have power to pass and enforce all ordinances necessary for carrying this act into effect, and for improving and preserving said grounds and improvements; *provided* said ordinances are not inconsistent with this act, or with the constitution and laws of the United States or of the state of New Jersey.

6. *And be it enacted*, That at the next annual election held in said city for city officers, the electors of said city shall vote upon the question of making the purchase authorized by this act, those in favor of making said purchase depositing ballots with the words "For Public Square," written or printed thereon, and those opposed thereto, depositing ballots with the words "Against Public Square," written or printed thereon, which words shall be on the same ballots containing the names of the persons voted for at such election; after counting the votes polled, the result of said election on the question of said purchase shall be certified by the election officers of each ward to the president of common council, to be by him laid before the common council at their next meeting; and if it shall appear that a majority of the electors of said city voting upon the question of said purchase at such election, have voted for such purchase, then this act shall take effect immediately, but if otherwise, then to be null and void.

Approved February 18, 1856.

CHAPTER XVI.

A SUPPLEMENT to the act entitled "An act to incorporate the Elizabethport and Staten Island Ferry Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers of the Elizabethport and Staten Island Ferry Company be and are hereby extended, so as to authorize the said company to conduct and manage a ferry between Elizabethport, in the city of Elizabeth, and Bergen Point, in the county of Hudson, in this state: Powers of corporation extended.

2. *And be it enacted*, That for the purpose of enabling the said company to carry out the provisions of this act, it shall be lawful for them to increase their capital stock to the sum of fifty thousand dollars, which additional stock shall be subscribed for in such manner and at such times and places as the board of directors of said company may deem expedient and proper; and the said company shall be and are hereby invested with all the rights, powers, authority and privileges given and granted in and by their original act of incorporation, and subject to all the duties, restrictions and liabilities contained in said original act. Capital stock increased.

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

Approved February 18, 1856.

LAWS OF NEW JERSEY.

CHAPTER XVII.

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

Time for
completion
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the completion of the railroad authorized to be built by the act to which this is a supplement, be and the same is hereby extended to the fourth day of July, eighteen hundred and sixty.

Part of
former act
repealed.

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

Approved February 18, 1856.

CHAPTER XVIII.

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

Preamble.

WHEREAS, a supplement, approved February twelfth, eighteen hundred and fifty-five, to the act entitled "An act to incorporate the Northern Railroad Company of New Jersey," approved February ninth, eighteen hundred and fifty-four, repealed the ninth section of the original act, and thereby rendered the eighth section of the said act imperfect and incomplete; therefore,

Proceedings
in case com-
pany and
owners can-
not agree.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such re-

quired lands for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, or if out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county in which the damage is sustained, commissioners to examine and appraise the said lands, and assess the damages sustained by the owner thereof by reason of taking the same, upon such notice, not less than twenty days, to be given to the persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine said lands, said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad, to the said owner or owners, and to make a just and equitable appraisal or estimate of the value of the said lands, and an assessment of damages which shall be paid by the company for such lands and damages aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of

them, and filed within ten days thereafter, together with the aforesaid description of the lands, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of the jury, and the judgment of the court thereon, and a copy thereof, certified by the clerk of said county, the damages found or assessed, with the costs adjudged, being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties
aggrieved
may appeal.

2. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands lie, by petition to the said court, to be filed with the clerk thereof, within ten days after the filing of the report of the commissioners aforesaid; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in the said circuit court, or in any justice thereof, full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanelled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of said land and damages sustained; and if they shall find a greater sum than the commissioners have awarded, or the company have offered, to the said owner or owners, their judgment thereon, with costs, shall be entered against said company, and execution awarded thereon; and if the said ap-

peal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded, or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, or into the court of common pleas, to the clerk thereof, in the county in which the said lands are situate; and from the owner or owners of land not in controversy, they shall obtain consent in writing before they enter upon or break ground on the premises, except for surveying and laying out said road; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof, receive the same, without being thereby debarred from the appeal hereby provided for.

Proviso.

3. *And be it enacted*, That the directors of said company may issue bonds, in such form, and for such sums, respectively, as they shall deem expedient, to an amount not exceeding in the aggregate two hundred thousand dollars, bearing interest at the rate of six per centum per annum, and redeemable in twenty years from date, which bonds shall constitute a first lien on the roadway, fixtures and other property of the said company, and the proceeds of the sale of said bonds shall be applied towards the expense of constructing the railroad authorized by the act to which this is a supplement.

Company may issue bonds.

4. *And be it enacted*, That the seventeenth section of the act to which this is a supplement, be and the same is hereby so amended that the time for the commencement of said railroad be extended to the fourth of July, eighteen hundred and sixty, and the time for completion of said railroad be extended to the fourth day of July, eighteen hundred and sixty-four.

Former act amended.

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

Part of former act repealed.

Approved February 18, 1856.

CHAPTER XIX.

A SUPPLEMENT to an act entitled "An act to incorporate the Delaware Fire Company of Bloomsbury, Burlington county."

Corporate
name
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of this company be changed to that of the "Delaware Fire Company of Trenton."

Number of
members
may be in-
creased.
Capital stock
may be in-
creased.

2. *And be it enacted*, That the said company may increase the number of its members to one hundred and fifty.

3. *And be it enacted*, That the capital stock of said company may be increased to the sum of twenty-five hundred dollars.

Part of form-
er act repeal-
ed.

4. *And be it enacted*, That all provisions of the act to which this is a supplement, inconsistent herewith, be and the same are hereby repealed.

Approved February 18, 1856.

CHAPTER XX.

SUPPLEMENT to an act entitled "An act to incorporate the Newton, Presbyterial Academy," approved February twelfth, eighteen hundred and fifty-two.

Corporate
name chang-
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the Presbyterial Academy, at Newton, be and the same is hereby changed to the "Newton Collegiate Institute," and by that name the said corporation shall sue and be sued, and possess and enjoy its present rights, privileges, property and franchises, and be subject to all its present liabilities.

Approved February 19, 1856.

CHAPTER XXI.

A SUPPLEMENT to an act entitled "An act to incorporate the Martinville Mining Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the body corporate created by the act to which this is a supplement, shall hereafter be known and designated by the name of the "New Jersey Consolidated Mining Company."

Corporate name changed.

2. *And be it enacted*, That all the powers, rights and privileges which are by said act vested in William R. Tucker and his associates, shall be and the same hereby are granted to and vested in William Tucker and his associates.

Powers, &c., vested in associates.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same two hundred thousand dollars, to be divided into shares of ten dollars each, to be paid by the subscribers in instalments not exceeding five dollars each, which instalments shall be paid in the manner prescribed by the act to which this is a supplement.

Amount of capital stock.

4. *And be it enacted*, That the directors of said corporation shall have power to hold such special meetings of their board at the city of New York, in the state of New York, as a majority of their number may direct.

Special meetings.

5. *And be it enacted*, That all the provisions of the act to which this is a supplement, which in any wise conflict with this act, are hereby repealed.

Part of former act repealed.

Approved February 20, 1856.

CHAPTER XXII.

SUPPLEMENT to "An act to incorporate the Bordentown Reservoir and Water Company," approved February sixth, eighteen hundred and fifty-five.

Penalty for
injuring
works.

Proviso

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

Approved February 20, 1856.

CHAPTER XXIII.

AN ACT to incorporate the Cooper's Point and Philadelphia Ferry Company

Names of
corporators.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Cooper, Samuel R. Lippincott, John C. DaCosta, Joseph Ellis, Walter D. Bell, Isaac H. Wood, Benjamin W. Cooper, and their associates,

and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "the Cooper's Point and Philadelphia Ferry Company."

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

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

4. *And be it enacted*, That the affairs of the said corporation shall be managed by seven directors; Joseph W. Cooper, Samuel R. Lippincott, John C. DaCosta, Joseph Ellis, Walter D. Bell, Isaac H. Wood, and Benjamin W. Cooper are hereby appointed the first directors, who shall serve until the first Monday in January next, and until others are elected; 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 to be president of the said corporation, who shall be a resident of this state, and who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding meeting, shall appoint a director to fill such vacancy until the next annual election; *Provi-* First directors.
Vacancies how supplied

Proviso.

ded always, that no person shall be a director who is not a stockholder, and at least four of the said directors shall be citizens of the state of New Jersey.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors held at some place in the city of Camden, on the first Monday in January next; and that all subsequent annual elections of directors shall be held at such time and place, of which time and place notice shall be given by publishing the same in two of the newspapers printed in said city, at least four weeks previous to the day of such election; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in January next, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until others shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, who shall be a resident of this state, to serve until the next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board or upon the call of the president.

Company authorized to erect ferry.

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry between Cooper's Point, in the city of Camden, and Philadelphia, at such place or places as may best serve the public convenience and interest of the said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings and all other necessary appendages, and may build steamboats, vessels and ferry boats, of such description and dimensions as the said board shall order and direct; *Provided always*, that it shall

Proviso.

be the duty of the said corporation to keep a steamboat or boats running all the year for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river in the day time, under the penalty of fifty dollars for each failure or refusal, to be sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *provided*, ^{Proviso.} the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or imminently dangerous.

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

For each passenger, five cents
Single passengers, in wherry, ten cents.

For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests, and scow baskets to be rated according to the number of bushels they hold, for each bushel; all articles having contained marketing to return free, if empty, otherwise to pay the usual rates.

For a two-horse load, with or without the carriage, not otherwise rated, twenty-five cents

A barrel of salt, plaster, flour, sugar, liquor, &c., eight cents

A hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents

Stove of cast iron, of six or more plates, ten cents

Salt, plaster, grain, clover, and other grass

seeds, per bushel, two cents

Flour, beef, pork, iron, &c., per hundred weight, three cents

Coffee per bag, chest, large trunk, &c., five cents

Soap, candles, glass, chocolate, &c., per box, three cents

Windsor chairs, per dozen, bureau, bed-

stead, clock case, &c., ten cents

Lumber, per hundred feet, ten cents

Live calves and fat hogs, per head, five cents

Sheep and store hogs, per head, three cents

Fat cattle.....	twenty-five cents
Cow and calf.....	twenty cents
Store cattle, horses, mules, &c.,.....	fifteen cents
Sideboard.....	twenty cents
Desk, secretaries, &c.,.....	fifteen cents
Tables, stands, feather beds, mattresses, large chests of tea.....	five cents
Crate or tierce or earthenware, hamper of bottles.....	fifteen cents
Fresh shad per hundred, or herrings per thousand.....	twenty cents

CARRIAGES AND DRIVERS.

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

Bricks on carriages, ninety cents per thousand,
 not more than five hundred on two wheels,
 the empty carriages to return.....free
 Charity schools, with their teachers, to pass.....free

The above rates to be taken spring, summer, and fall; and the rates of ferriage and freight shall not at any time exceed double these rates; and all persons who desire it, shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows, not exceeding the sum of one dollar per quarter for each passenger.

8. *And be it enacted*, That dividends of so much of the Dividends. 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 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 and papers of the company if required to do so by any person or persons, being stockholders.

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct the wharves, slips, Penalty for
injuring
works. 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.

10. *And be it enacted*, That this act shall continue in force Limitation for thirty years.

Approved February 20, 1856.

CHAPTER XXIV.

AN ACT relating to Public Printing.

Bills of both
houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Naar, of Trenton, be employed to execute the printing of the bills of both houses of the present legislature during the sitting thereof, and that the price paid for the said printing be as follows, to wit: for said bills, three dollars and fifty cents per sheet, on pica type of twenty-one lines per page, on the best foolscap paper that can be procured at three dollars per ream, one hundred and twenty copies of each bill, for the use of the legislature.

Pamphlets
and law and
chancery re-
ports.

2. *And be it enacted*, That Hemenover & Moore, of Warren county, be employed to execute the pamphlet printing of the present legislature, excepting that portion of the pamphlet printing that has already been executed, or is now being printed, at the rate of fifty-five cents per thousand ems for composition, and fifty cents per token (two hundred and fifty copies) for press work, on as good medium paper as can be procured for three dollars per ream, the work to be done in a neat and expeditious manner; and to print the law and chancery reports for one year; that sixteen hundred copies of each book be printed, on large octavo pages, trimmed and bound in workmanlike manner, and similar to those heretofore printed, and that he be paid therefor twenty-seven dollars per sheet.

Journal of
the house.

3. *And be it enacted*, That Adam Belles, of Hunterdon county, be employed to print the journal of the house and index thereto for the current year, and that he print one thousand copies thereof, at sixteen dollars and thirty-five cents per sheet, the size of the sheet and type to correspond with the journals of the assembly for the year eighteen hundred and fifty-five, and that the secretary of state inspect the work and audit the accounts before payment be made.

Journal of
the senate.

4. *And be it enacted*, That Morris R. Hamilton, of Sussex county, be employed to print the journal of the senate and proceedings of joint meeting, and an index thereto, for the current year, and that he print one thousand copies thereof,

at sixteen dollars and thirty-five cents per sheet, the size of the sheet and type to correspond with the journal of the assembly for eighteen hundred and fifty-five, and that the secretary of state inspect the work and audit the accounts before payment be made.

5. *And be it enacted*, That A. R. Speer, of Middlesex county, be employed to print two thousand copies of the laws, which shall be enacted at the present sitting of the legislature, in as condensed a form as a proper execution thereof will admit, on large octavo pages, trimmed and bound and in all respects corresponding with those heretofore printed, at thirty-two dollars per sheet. Laws.

6. *And be it enacted*, That David Naar, of Trenton, shall be paid for the pamphlet printing of the present legislature already executed by him, or now being printed by him, as follows: at the rate of fifty-five cents per thousand ems for composition and fifty cents per token (two hundred and fifty copies) for press work, on as good medium paper as can be procured for three dollars per ream; the work to be done in a neat and expeditious manner. Payment of pamphlet printing already executed.

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

Approved February 20, 1856.

CHAPTER XXV.

AN ACT to incorporate "The Hudson and Bergen Gas Light Company."

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Clerk, George W. Edge, Michael Leniau, Josiah H. Gautier, Moses B. Bramhall, Gregory A. Perdicaris and James Hoy, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the Hudson and Bergen 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 the city of Hudson and township of Bergen, and to enter into and execute contracts, agreements or covenants in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced without permission first obtained in writing from the owner or owners thereof.

General
powers.

Proviso.

Company
may lay
down pipes.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues or public grounds of the city of Hudson and township of Bergen, and to do all things necessary to light the said city of Hudson and township of Bergen, 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

Proviso

of the said pipes, or the erection of the said posts; and the streets, side and cross-walks, public grounds, lanes and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes, or the erection of the said posts.

3. *And be it enacted*, That Andrew Clerk, George W. Edge, Michael Leniau, Josiah H. Gautier, Moses B. Bramhall, Gregory A. Perdicaris and James Hoy, are hereby appointed commissioners for receiving subscriptions for the sum of two hundred thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time 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 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 hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of two hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such

Commissioners to open books of subscription.

forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Annual elec-
tion of di-
rectors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in seven directors, to be selected from the stockholders, three of whom shall be residents of Hudson county, and all of whom shall be residents of this state; and the said directors shall choose by a plurality of votes a president from among themselves; and as soon as conveniently may be, after fifty 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 January thereafter, and the said directors and president shall hold their offices from the second Monday of January in every year, for one year, and shall be elected on the second Monday of January 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 ballots of the stockholders or their proxies, allowing one vote for each share which they shall have held in his, her or their name or names, at least fourteen days before the time of voting.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day 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 trans-
ferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of

the corporation, and shall be considered personal property; and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

8. *And be it enacted*, That if any person or persons shall will-
fully do or cause to be done any act or acts whatever; there-
by 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 offend-
ing shall be considered guilty of a misdemeanor, and being
thereof convicted, shall be punished by fine not exceeding
three hundred dollars, or imprisonment at hard labor not ex-
ceeding 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 corpora-
tion, in any court of the state having cognizance of the same.

Penalty for
injuring
works.

Proviso

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 com-
pany, which books shall be at all times open for the inspec-
tion of the stockholders.

Books of ac-
count to be
kept.

10. *And be it enacted*, That the said company shall erect and
establish their said gas works within five years from the pas-
sage of this act, and if said company fail to comply with the
requirements of this section, then all the rights, privileges and
powers granted by this act shall be forfeited, and said act
void and of no effect.

Works to be
erected with-
in certain
time.

11. *And be it enacted*, That this charter shall continue in
force for the period of thirty years.

Limitation.

Approved February 20, 1856.

CHAPTER XXVI.

AN ACT to authorize the New York and Erie Railroad Company to purchase and hold lands, and to complete and finish the railroad of "the Paterson and Hudson River Railroad Company."

Preamble.

WHEREAS, the New York and Erie Railroad Company, by virtue of certain leases and agreements made by the Paterson and Hudson River Railroad Company and the Paterson and Ramapo Railroad Company to the Union Railroad Company, bearing date the ninth day of September, eighteen hundred and fifty-two, and assigned to the New York and Erie Railroad Company, have the right to use the railroads of said two first mentioned companies during their respective charters, and have the right to extend said Paterson and Hudson River Railroad, and to make a railroad from any point in the same to the Hudson river, at some point opposite the city of New York, which leases and agreements were approved and confirmed by an act of the legislature of this state, approved March fourteenth, eighteen hundred and fifty-three; AND WHEREAS, it is desirable that the New York and Erie Railroad Company should have the power to purchase and hold in their own name such lands necessary and convenient for the transaction of their business, as said Paterson and Hudson River Railroad Company, and other companies incorporated by this state, may by law purchase and hold at their stations and depots, and to proceed in their own name to construct and extend said railroad from the Paterson and Hudson River Railroad to the Hudson river, and to hold the lands necessary for such construction in their own name,

Company authorized to purchase and hold lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York and Erie Railroad Company are hereby authorized to purchase and hold in their own name such and so much land and real estate in the county of Hudson, at or near any station or depot that they may establish in said county, as may be necessary for the convenient transaction of their business, for storing and working upon their engines, cars, fuel and materials to be used upon their

roads, for receiving, delivering and keeping property transported or to be transported on their road, to the best advantage, for side tracks, platforms and station houses, and for all other purposes strictly connected with and appertaining to their business of transporting passengers and freight; *provided*, that two acres of land at any such depot or station, and no more shall be exempt from city, township and county tax. Proviso.

2. *And be it enacted*, That the New York and Erie Railroad Company may proceed in their own name to make and construct a railroad from any point in the railroad of the Paterson and Hudson River Railroad Company to any point on the Hudson river opposite the city of New York, according to the provisions of the act incorporating said Paterson and Hudson River Railroad Company, and the several supplements thereto, and that for that purpose they are hereby authorized to survey, lay out and locate such extension or continuation of said railroad of any width not exceeding one hundred feet, and when such location has been filed in the office of the secretary of state, to purchase and hold all lands necessary or convenient for the continuation of said road, and in all cases provided for in the eighth section of the act entitled "An act to incorporate the Paterson and Hudson River Railroad Company," are authorized to proceed to acquire the title to the same, by proceeding in their own name, in the manner provided in such eighth section, and upon paying the inquisition assessed, with the costs, or bringing the same into court, as in said section provided, shall be seized of the lands in such inquisition described in the same manner as the Paterson and Hudson River Railroad Company would have been; *provided*, that in this proceeding to acquire lands, this section shall confer the same power upon the New York and Erie Railroad Company as was vested by the said act in the Paterson and Hudson River Railroad Company, and no greater power; *and provided further*, that said road from the east side of Palisade avenue, for the distance of thirty-five hundred feet westwardly through the city of Hudson, shall not be constructed with an open cut, but shall be tunnelled or arched over, except proper and suitable openings and shafts for light and ventilation. Company authorized to construct road.

3. *And be it enacted*, That for the purpose of enabling the Proviso.

State may
take roads at
appraise-
ment.

state of New Jersey to take the said railroad, upon an appraisalment of its value, at any time after the fourth of July, eighteen hundred and eighty-six, in the manner provided for by the seventeenth section of said act to incorporate the Paterson and Hudson River Railroad Company, the continuation of said railroad and its depots and appendages constructed, purchased and acquired by virtue of the provisions of this act, shall be considered part of the road of the Paterson and Hudson River Railroad Company, and may and shall be taken by the state at the same time and in the same manner as the state may take the road of said company, except, nevertheless, that the lands, railroad and appendages thereto, acquired or purchased by the New York and Erie Railroad Company, and owned by them, shall be appraised separately from the residue of said railroad and appendages, and the value thereof paid to the New York and Erie Railroad Company.

Map and plan
of road to be
filed.

4. *And be it enacted*, That the said New York and Erie Railroad Company shall as soon as they shall have completed the said railroad to the Hudson river, make and file in the office of the secretary of this state, a map and plan of said railroad, from the point where it shall be constructed, from the present road to the Hudson river, and of all side tracks and switches connected therewith, and the ground covered thereby, and of the land occupied by them as depots or stations, not including therein more than two acres of land not occupied by their track at each station or depot, verified by the oath of the president and engineer of said company, and shall attach thereto a just and true account of the costs of said lands and track and the improvements thereon, verified by the oath of the president and engineer; and said company shall thereafter pay to the treasurer of this state, yearly, and every year, a tax of one-half of one per centum upon the amount of said cost, in lieu of all other taxes on the same, and the lands included in said plan or map, and said account shall be subject to no other tax, impost or assessment, except city assessments for improvement upon or near the same, to which they shall be liable as all other lands.

Act not to
affect con-
tracts here-
tofore made.

5. *And be it enacted*, That this act shall not affect or impair any contract or agreement heretofore made and entered into

between the New Jersey Railroad and Transportation Company of the one part, and the President and Directors of the Paterson and Hudson River Railroad Company of the other part, or between any other parties or corporations.

6. *And be it enacted*, That the governor, the chancellor, the attorney general, the treasurer and secretary of this state, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and re-pass on the railroads of the President and Directors of the Paterson and Hudson River Railroad Company, including the extension hereby authorized, and of the Paterson and Ramapo Railroad Company, in the cars of any company running on said railroads, free of charge, subject to the rules and regulations of such company.

Certain officers to pass free.

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

Approved February 21, 1856.

CHAPTER XXVII.

A SUPPLEMENT to an act entitled "An act authorizing the enclosure of a certain tract of land, situate in the township of Pequannac, county of Morris, and state of New Jersey, called Tom's Point." Approved March fourth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners and possessors of the land lying within the boundaries of said act of incorporation to take in or include within the boundaries of said act all the land lying or included within the fol-

Owners authorized to enclose tract

lowing boundaries, (to wit,) beginning on the bank of the Passaic river at the most southerly corner of lands formerly belonging to Peter Speer, Esq., and also at the beginning corner (of the boundaries) of said act of incorporation to which this is a supplement, from thence down said river, the several courses thereof, to a point one chain below the mouth of the Dod's Slank; thence a straight line a north-easterly direction to a line of willow trees, standing on the south-east bank of a ditch leading from Dod's Spring; thence in line of said willow trees to a post and rail fence at the high lands; thence in line of said fence a north-easterly direction to the boundary line of the said act of incorporation; thence along the said boundary line to the place of beginning.

Owners entitled to privileges of act

2. *Be it enacted*, That the owners and possessors of said land so taken in or included in said act shall be entitled to all the benefits and privileges of said act, and in all respects be subjected to the rules, regulations and by-laws of said act of incorporation.

Supplement to be considered as part of act.

3. *Be it enacted*, That this supplement shall be taken, considered and understood, by all the courts of record of this state, as a part of said act of incorporation.

Part of former act repealed.

4. *Be it enacted*, That so much of the first section of said act, to which this is a supplement, as is inconsistent with the provisions of this act, the same is hereby repealed.

5. *Be it enacted*, That this act shall take effect immediately.
Approved February 22, 1856.

CHAPTER XXVIII.

A SUPPLEMENT to the act entitled "An act to incorporate companies to erect buildings for the use of lyceums, public libraries, scientific, charitable and benevolent associations," approved the seventeenth day of March, Anno Domini, one thousand eight hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement be and they are hereby extended to associations of persons which have been heretofore or may be hereafter formed for the erection of any building or buildings in this state, to be used for educational purposes. Provisions of
act extended.

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

Approved February 22, 1856.

CHAPTER XXIX.

A SUPPLEMENT to the act entitled "An act to incorporate the Newark Fire Department."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Newark Fire Department," passed March fourth, in the year of our Lord one thousand eight hundred and thirty-seven, be and the same is hereby continued and extended for and during the term of twenty years from and after the time by the first section of the said act limited for its continuance. Provisions of
act extended.

Approved February 22, 1856.

CHAPTER XXX.

AN ACT to incorporate "the New Jersey State Agricultural Society."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William P. Robeson, J. H. Frazee, Nathaniel S. Rue, Isaac R. Cornell, James Campbell, George Hartshorn, George Shaw, J. R. Sickler, and their associates, shall be and are hereby constituted a body politic and corporate in law, by the name of "The New Jersey State Agricultural Society," and by that title they and their successors in office shall be known in law, and shall possess the powers and be subject to the liabilities of other general incorporations.

Objects of incorporation.

2. *And be it enacted*, That the objects of the society being to improve the condition of agriculture and agricultural stock, horticulture, and the household arts, they shall be allowed for these purposes to purchase and hold real and personal property sufficient to carry out the objects of the society, and shall hold the same exempt from taxation; *provided*, that such real and personal estate shall not exceed in value the sum of ten thousand dollars.

Proviso.

Approved February 25, 1856.

CHAPTER XXXI.

AN ACT to incorporate the Long Branch and Sandy Hook Railroad Company.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Cooper, Samuel Laird, Henry Howland, James Green, John V. Conover, Samuel C.

Morris, Frederick Kennedy, Edward Wardell and Woolman Stokes, and such other persons as may be hereafter associated with them, their successors and assigns, be and they are hereby created a body corporate and politic in fact and in name, by the name of "the Long Branch and Sandy Hook Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in some newspaper published in the county of Monmouth; and that at the time of subscribing five per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as there is five thousand dollars of the capital stock subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting and at the annual elections of said corporation, shall as soon as may be after every elec-

Amount of
capital stock

Commission-
ers to receive
subscrip-
tions

Election of
directors.

Vacancies
how supplied

tion, 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 may be filled for the remainder of the term for which they were elected, by the said board of directors, or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the corporation shall prescribe.

Corporation
not dissolved
for failure
to elect on
day pre-
scribed.

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

Payment of
instalments.

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

Company
authorized to
construct
road.

6. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point at or near Long Branch, in the county of Monmouth, to some point on Sandy Hook; and it shall be lawful for the said president and directors, their agents, superintendents, or others in their employ, to enter at all times upon all lands for the purpose of exploring, surveying, leveling, or laying out the route or routes of such railroad, and of locating the same, and to

make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined, and a survey thereof filed in the office of the clerk of Monmouth county, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of Proviso. payment of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said company, or any person, under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out the said road, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of 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 the 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 hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice

Proceedings
in case com-
pany and
owners can-
not agree.

aforesaid, he shall appoint under his hand and seal three disinterested, impartial, and judicious freeholders, non-residents in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said land or materials and to assess the damages, upon 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 and controversy, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this

section as they or he shall think equitable and right, which shall be paid by the company.

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

Parties aggrieved may appeal.

9. *And be it enacted*, That the said company may purchase, have, and hold real estate at the commencement and termination of their road, and the different intermediate depots upon the line of the same, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, stables and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of

Company may hold real estate

carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the 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.

Dividends.

10. *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.

Penalty for
injuring
works.

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

When com-
pany may
commence
running cars

12. *And be it enacted*, That when two miles or more of said road shall be completed the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

Act void if
road is not
commenced
and complet-
ed in certain
time.

13. *And be it enacted*, That if the said railroad shall not be commenced within three years, and completed at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void.

Annual
statement to
be filed.

14. *And be it enacted*, That on the first day of January after the railroad and its appendages shall be finished so as to be used, the president and the 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 a like statement of all further costs and expenses from year to year; and the president and treasurer of said company shall also, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said

road, on the first day of January after it shall be completed, and annually thereafter, and as soon as said railroad shall be put in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the amount expended by said company for said road, which shall in like manner be paid annually thereafter, on the first Monday of January of each year; *provided*, that no other tax or other impost shall be levied or assessed upon the said company. Proviso

15. *And be it enacted*, That this act continue in force for and during the term of twenty-five years, and that the legislature may at any time alter, modify or repeal the same. Limitation

Approved February 25, 1856.

CHAPTER XXXII.

AN ACT to incorporate the Odd Fellows Hall Association of New Egypt, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew J. Allen, John H. Morgan, Nicholas Waln, Richard H. Conover, Thomas B. Jobes, Edward Emley, Henry Moore, senior, Samuel Laurencé, Charles S. Collier, William Allen, their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby incorporated and made a body corporate in fact and in law, by the name, style and title of "the Odd Fellows Hall Association of New Egypt, New Jersey," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, and have power to collect any debts now due and owing, or which may become due Names of corporators.
General powers.

and owing, to said association, in any court of law or equity, or elsewhere, and shall be capable and able, in law or equity, to take and hold to them and their successors, either by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings in the town of New Egypt, and for the transaction of such business as may be connected with the erecting, building, conducting, leasing, or otherwise disposing of such building or buildings; and also to take and hold any goods and chattels, sum or sums of money which may be required for the purposes of said association, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons capable of making the same, and to grant, bargain, sell and dispose of the same for the use of said association, and generally to do all and singular such matters and things as may be necessary for the well being and proper management of the affairs of said association not contrary to the laws of this state or of the United States; *provided*, that the value of real and personal estate held by said association shall at no time exceed the sum of five thousand dollars.

Proviso.

Corporation
may have
seal.

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

Election of
trustees.

3. *And be it enacted*, That the government of the said corporation, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the said association shall by its by-laws provide; at the first meeting of the trustees after their election in each year they shall select from among themselves a president, secretary, and treasurer.

Limitation.

4. *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 25, 1856.

CHAPTER XXXIII.

AN ACT to authorize the inhabitants of the township of South Amboy, in the county of Middlesex, 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 township of South Amboy, in the county of Middlesex, 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, viz. : a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, a town committee consisting of five persons, a school committee consisting of three persons, as many justices of the peace as the township may be entitled to under the constitution, one or more constables, and shall also upon the same ballot vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and for the places of holding the next annual town meeting, and the election of state and county officers.

Inhabitants
authorized to
vote by bal-
lot.

2. *And be it enacted*, That the judge of the election elected at last or any future town meeting, shall preside at and conduct the election at the next ensuing town meeting, and the clerk of the township shall be clerk thereof, and the officers of said election shall be eligible to any office at said election except that of justices of the peace.

Officers of
election.

3. *And be it enacted*, That the election shall open at the hour of ten o'clock in the forenoon, and close at the hour of four o'clock in the afternoon.

Opening and
closing elec-
tion.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified ; and in case there shall be a neglect or failure to elect any by the town meeting, or to fix

Town com-
mittee to
supply va-
cancies, &c.

the place of holding the next town meeting or state or county election, or in case of the refusal of any person elected to accept the appointment, or of a vacancy from any other cause, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee shall at their next meeting thereafter fill such vacancy, (unless they shall deem a special town meeting for that purpose advisable) determine upon such place, and determine the amount or sum to be raised or specified; and where any two persons voted for at town meeting have an equal number of votes, the said committee shall elect between them.

Township clerk to be clerk of the town committee.

5. *And be it enacted*, That the clerk of the township shall be clerk of the town committee, and shall keep a book of minutes of the proceedings of the said committee, which shall be open at all times to the inspection of the voters of the said township; and when the town committee fill a vacancy or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of the county.

Election of overseers of the highways.

6. *And be it enacted*, That the overseers of the highway shall be elected by the voters of the several road districts, as they may be arranged from time to time by the town committee; and it shall be the duty of the town committee to give public notice by advertisements put in three of the most public places in the said township five days previously of the time, which shall be the first Monday in March in each year, and of the place, which shall be some convenient place in each district, when and where the legal voters of the township residing in the district shall assemble for the purpose of such election, at which time and place such legal voters so assembled having been called to order by any legal voter of the district, shall proceed viva voce, by holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized, the meeting shall proceed as in the election of moderator, to elect an overseer of the highways for the district, being a resident in the said district; the moderator of each district meeting shall immediately thereafter notify the town committee in writing of the election of such overseer, which committee shall thereupon in like manner inform the

person so chosen of his appointment ; in case of failure of any district to elect an overseer, or of the person so elected to accept the appointment, the town committee shall fill such vacancy, as in other cases ; the overseers of the highways shall account to and settle with the town committee, as now required by law to do.

7. *And be it enacted*, That the overseers of the poor and the school committee shall, at least ten days before the town meeting, prepare and lay before the town committee their annual reports now required by law to be made to the town meeting, and the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof, and of the reports of the overseer of the poor and of the school committee to be posted up in three of the most public places in the township, and an intelligible abstract thereof published in a newspaper circulating in the township.

Overseers of the poor and school committee to make annual report.

8. *And be it enacted*, That the annual town meetings in the said township shall be held hereafter on the second Monday in March in each and every year, and the first election under this act shall be at the place appointed at the last town meeting, and all the special town meetings at the place of holding the last annual town meeting ; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections ; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation for the additional duties required by this act as they may deem reasonable ; the reports of the town committee, the overseer of the poor, and school committee, shall be filed by the town committee and preserved ; and in posting up the lists of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars.

Annual town meetings.

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

Approved February 25, 1856.

CHAPTER XXXIV.

AN ACT to incorporate the Exit Fire-Arms Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Wood, George H. Nelson, Dudley S. Gregory, Ephraim Marsh, Joseph C. Day, Thomas N. McCarter, or the survivors or survivor of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted and declared a body politic and corporate in fact and in law, by the name of "the Exit Fire-Arms Company," for the purpose of manufacturing fire-arms, and of carrying on any business incident thereto, in the county of Morris, in this state, and that they and their successors, by the same name, shall have succession, and shall be able and capable in law, to acquire, purchase, receive, have, hold and enjoy any lands, tenements and hereditaments, and goods and chattels of whatever kind and quality, and the said lands, tenements and hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien and dispose of, also to sue and be sued, plead and be impleaded in courts of justice or any other place, to make and use a common seal, and the same to alter and renew at pleasure.

General
powers.

Amount of
capital stock

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and may be increased to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and it shall be lawful for said company when fifty thousand dollars of said stock shall have been subscribed, paid or satisfactorily insured to be paid, to commence their said business, and to conduct and carry it on until they think proper to extend their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under penalty of forfeiting the shares of said stockholders, and all previous payments

thereon, if such payments shall not be made after notice shall have been published at least thirty days in one or more newspapers published in the counties of Sussex, Morris and Hudson.

3. *And be it enacted*, That the subscription for said stock shall be opened at such time and place as the directors shall think proper.

Subscription
for stock.

4. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the directors shall be chosen on the first Tuesday in June in every year, at such time and place as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding such election not less than ten days previous, in two or more newspapers published in this state nearest the place where such election shall be made, by such stockholders as shall attend for that purpose, either in person or by proxy, which election shall be by ballot, each share of stock entitling the holder thereof to one vote, and the persons having the greatest number of votes shall be directors; and if it shall so happen that two or more persons shall have an equal number of votes, by reason whereof five are not chosen, then the said stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the directors so chosen shall elect one of their number to be president, and shall also appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit; and if it shall happen that any vacancy or vacancies occur among the directors named in this act, or those hereafter to be chosen, such vacancy or vacancies shall be filled by such person or persons as the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen by the stockholders, the first directors shall be George H. Neldon, Joseph C. Day, William N. Wood, Theodore Little, and Theodore T. Wood, who shall hold their offices until the first Tuesday of June, eighteen hundred and fifty-seven, and until others are legally chosen.

Annual election
for
directors.

First
directors.

Stock trans-
ferable.

Proviso

Corporation
not dissolved
for failure to
elect on day
prescribed.

Directors
to make
by-laws.

Proviso.

Semi-annual
dividends to
be made.

Privileges
and franchis-
es.

May contract
with other
corporations.

5. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company; *provided*, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered on the books of the said company.

6. *And be it enacted*, That in case it should so happen at any time that an election should not be made on the day on which pursuant to this act it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as the directors by their by-laws shall prescribe.

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

8. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of said corporation as to them, or a majority of them, shall seem advisable, and shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of the said company, which books shall at all seasonable times be open to the inspection of the stockholders of the said company; and a correct and full statement of the affairs of said corporation shall be made to the stockholders at their annual meetings for the election of directors.

9. *And be it enacted*, That the said corporation shall possess and enjoy all the privileges and franchises incident to a corporation.

10. *And be it enacted*, That it shall and may be lawful for said corporation, by its directors, to enter into contract with any other corporation, or with any individual or individuals, for the manufacture or sale of said fire-arms.

11. *And be it enacted*, That it shall be lawful for said company, from time to time, to borrow such sum or sums of money as may be necessary to carry on the business authorized by this act; and for securing the re-payment of moneys so borrowed, at such rates of interest as may be stipulated, not exceeding seven per centum per annum, full power and authority is hereby granted to the said company to issue bonds, and to secure the same by mortgage upon the property and franchises of said company; *provided*, the amount issued shall not exceed one-half of the capital stock paid in.

May borrow money.

Proviso.

12. *And be it enacted*, That this act shall continue in force for and during the term of twenty-five years, and it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, amend, or repeal the same, or any part thereof, whenever they shall see proper.

Limitation.

Approved February 25, 1856.

CHAPTER XXXV.

AN ACT further to amend the act entitled "An act to incorporate the Jersey City and Bergen Point Plank Road Company," passed March sixth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said company to construct or rebuild such parts of their said road, as they may desire from time to time, by macadamising, shelling, gravelling, or paving the same; *Provided*, that they keep a single track at least eight feet in width laid with plank on the said road from the Mill creek to Bergen Point.

Road may be rebuilt.

Proviso.

Approved February 25, 1856.

CHAPTER XXXVI.

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

Appoint-
ment of ap-
praisers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appraisers required to be appointed by the fourth section of the supplement to which this is a further supplement, shall hereafter be only two in number, and shall in all such cases as are mentioned in the fourth section be appointed by the surrogate of the county where the deceased debtor resided at the time of his or her death, and shall make the oath required by the second section of said supplement before the surrogate or any person lawfully authorized to administer an oath; and said appraisers being so appointed and sworn shall make an inventory and appraisal as required by the supplement to which this is a further supplement, and the acts supplementary thereto, which inventory and appraisal shall include all the property required to be inventoried and appraised by the tenth section of the act entitled, "An act concerning executors and the administration and distribution of intestates estates," and shall be proved before the surrogate of the county where such appraisers shall be appointed in the same manner as now required by the said tenth section of the said act entitled "An act concerning executors and the administration and distribution of intestates estates," and recorded in his office, but not filed in the office of the county clerk; and the appointment and oath of said appraisers shall be filed in the office of the surrogate making the appointment, there to remain; and where any widow, executor, or administrator shall have selected goods and chattels of any kind for the use of the family, according to the said fourth section, the executor or executors, administrator or administrators, of the deceased debtor at the time of making his, her, or their oath to such inventory and appraisal before the surrogate as aforesaid, shall also, by oath or affirmation, to be

taken before the surrogate, verify the list or statement of articles selected for the use of the family, which list or statement so verified shall be annexed to and recorded with the inventory in the office of the surrogate.

2. *And be it enacted*, That any debtor who shall die, leaving his wife him surviving, whether he shall leave any child or children him surviving or not, shall be taken and held to be a deceased debtor leaving a family, within the meaning and intent of the act to which this is a further supplement.

Deceased
debtors.

3. *And be it enacted*, That for drawing and making the appointment of appraiser and drawing the oath for the appraisers, the surrogate shall be entitled to charge the sum of one dollar.

Surrogates'
fees.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Part of for-
mer act re-
pealed.

Approved February 25, 1856.

CHAPTER XXXVII.

A SUPPLEMENT to an act entitled "An act to incorporate the Belvidere and Water Gap Railroad Company," passed the twenty-fifth day of February, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the rights, privileges, powers and authorities granted in and by the several supplements to the original act incorporating the Belvidere and Water Gap Railroad Company shall immediately vest in said company, whether the extensions mentioned in said supplements are made within the time contemplated or not, and that the time of

Time for
commencing
and comple-
ting road ex-
tended.

commencing and completing of said road is hereby extended five years.

Stock may
be consolidated.

2. *And be it enacted;* That the authority heretofore given to "consolidate the stock of said company with the stock of any railroad company with which their road may connect," was intended to authorize, and any such railroad company is hereby authorized to consolidate their stock with the stock of the Belvidere and Water Gap Railroad Company, or the president and directors of said road, by and with the consent of the stockholders representing two-thirds of its capital stock, may lease out for a term of years the said road, with its powers and authorities, either before or after its completion, and any other company is hereby authorized to lease the same.

Approved February 25, 1856.

CHAPTER XXXVIII.

A SUPPLEMENT to the act entitled "An act to incorporate the Somerville Woolen Company," approved April third, one thousand eight hundred and forty-five.

Corporate
name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the corporate name of said company be and the same is hereby altered and changed to the "North American Gutta Percha Company," for the purpose of manufacturing generally all articles manufactured from gutta percha; and that it shall and may be lawful to increase the number of shares to an amount not exceeding ten thousand shares, and that the number of directors of said company may be increased to nine, a majority of whom shall be residents and citizens of this state.

Approved February 25, 1856.

CAPTER XXXIX.

AN ACT to incorporate the Long Dock Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Bently, Mary Bell, Abraham O. Zabriskie, Charles G. Sisson, Homer Ramsdell, Stephen D. Harrison, and such other owners of that part of the property in the fourth ward of Jersey City known as the Long Dock property, which is south of the centre line of Pavonia avenue, as they may associate with them, and their successors, shall be and they are hereby incorporated and made a body politic by the name of "the Long Dock Company."

Names of corporators.

2. *And be it enacted*, That the capital stock of the said company shall be eight hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and instalments as the directors of the said company by their by-laws or otherwise may direct; that such payment shall be made either in money or in land; and in case such payment shall be made in land, the value of said land shall be appraised by the board of directors; and that in case of failure of any stockholder to pay his or her instalments, at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares, and of all previous payments thereon, for the use of said company. •

Amount of capital stock.

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

Transfer of shares.

4. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stockholders of the said company annually, at such times and in such manner as the by-laws of the company may direct, who shall serve for one year, and until others are chosen in their stead; notice of which said election shall be previously given for two

Annual election of directors.

weeks in a newspaper published in the county of Hudson; the said directors shall from time to time elect a president from their number, and shall also elect and employ such other officers as may be convenient or necessary, who shall receive such compensation as the by-laws may direct.

First directors.

5. *And be it enacted*, That Peter Bently, David S. Manners, Abraham O. Zabriskie, Homer Ramsdell and Charles G. Sisson shall be the first directors of said company, a majority of whom shall as soon as convenient after the passage of this act assemble and organize such company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Company may receive conveyances for property, &c.

6. *And be it enacted*, That as soon as said company shall be organized, it shall be authorized to receive conveyances for the part of the Long Dock property above mentioned, and to purchase and hold such other lands adjoining or near the same in Jersey City or the city of Hudson, which they may deem necessary for the improvement of their property, and to pay for all lands in the shares of their capital stock at not less than its par value.

Company may improve lands held by them.

7. *And be it enacted*, That said company may improve all lands, and lands under water, that shall be purchased or held by them, by erecting buildings thereon, and laying out said lands into blocks, lots, squares and streets, or other divisions, and shall have liberty to fill up, raise, occupy, possess and enjoy as their own property all lands covered with water which they may hold or purchase, or which may lie in front of lands along any shore which they may hold or purchase, and may build, enlarge and improve on such lands any dock, wharf, pier, bulkhead, slip, or other structure which they may deem necessary for commercial or other purposes, not extending the same south of the centre line of South Second street; *provided*, that in carrying out provisions of this section they shall not injure the navigation of the Hudson river, and shall not interfere with the legal rights or privileges of others, or fill in or reclaim any lands under water except in front of the lands which they may purchase along the shore; and only in such direction as those of whom they shall purchase may have by existing laws the right to fill in and reclaim in front

Proviso.

of the same; and that so far as relates to their lands under water within the corporate limits of Jersey City they shall be governed by the ordinances of Jersey City.

8. *And be it enacted*, That said company may establish and maintain a ferry from any lands that they may own or acquire at or near Pavonia avenue to the city of New York; *provided*, that the same shall be established within two years from the passage of this act, and that the ferriage to be charged at the same shall not exceed the rates now established by law to be taken at the Hoboken or Jersey City ferries; *and provided further*, that the same shall be located between South Second street and North Fourth street.

Company
may estab-
lish ferry.

Proviso.

Proviso.

9. *And be it enacted*, That said company may improve any part of the lands sold or purchased by them by paving, grading, curbing, guttering and flagging the same, subject to the directions and regulations of the city ordinances, and by constructing therefrom a lateral or branch railroad to intersect within the limits of said cities any other railroad authorized or constructed by law, such railroad not to be laid along any street of Jersey City without the consent of the mayor and common council of said city, and where it shall cross any street upon a level therewith, said company shall provide such police and safeguard as the city government may require; and for the purpose of laying out, locating, constructing and maintaining such branch road, and acquiring the lands necessary or proper for the same, said company shall be invested with the same powers and privileges and subject to the same liabilities and restrictions as were conferred and imposed upon the New Jersey Railroad and Transportation Company for the locating, constructing and maintaining their railroad by the act incorporating said company, and the supplements thereto; *provided*, that no branch railroad constructed by virtue of this section shall intersect or cross any other railroad without the consent of the company to whom the same may belong.

Company
may con-
struct
branch rail-
roads.

Proviso.

10. *And be it enacted*, That for the purpose of improving their property, and to enable them to raise money to carry into effect the objects of this act, the said Long Dock Company are authorized to issue their bonds, bearing an interest not exceeding seven per cent. per annum, and to sell and dispose of

Company
may issue
bonds.

the same at any rate not less than ninety per cent. of their par value, without the same being invalidated thereby, or any person being liable to any penalty therefor; and to secure the payments of such bonds the said company shall have power to convey or pledge by way of mortgage, trust, or otherwise, the whole or any part of the property, franchises and chartered rights of said company; and such conveyance, pledge, or any foreclosure, sale, or other lawful sale by virtue thereof, shall fully and completely transfer to and vest in the grantee or purchaser, all the property, franchises and chartered rights of said Long Dock Company, free from all encumbrances and debts that were not liens on such property prior to the recording or registry of said mortgage.

Limitation

Proviso.

11. *And be it enacted*, That this act shall continue in force for thirty years from the passage thereof; *provided*, that if said company shall not commence the improvements authorized by this act in two years, and expend upon the same one hundred thousand dollars in five years from the passage of this act, then this and every thing herein contained shall be void, and the legislature may, whenever in their opinion the public good so requires, modify, alter or repeal this act.

Approved February 26, 1856.

CHAPTER XL.

AN ACT to authorize the inhabitants of Upper Township, in the county of Cape May, and the inhabitants of the township of Egg Harbor, in the county of Atlantic, 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 Upper Township, in the county of Cape May, and of the township of Egg Harbor, in the county of Atlantic, authorized by law to vote at their town meetings, 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 now or may hereafter be fixed by law, that is, in said townships a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highway as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the said townships may be constitutionally entitled to elect, one or more constables, one or more poundkeepers; and shall also, upon the same ballot, vote for the amount of money to be raised for school purposes, for the repairing of roads, and for the place of holding the next annual town meeting, and the election of state and county officers.

Inhabitants
authorized to
vote by bal-
lot.

2. *And be it enacted*, That one hour previous to the time hereinafter mentioned for opening the election of the next annual town meeting, the clerks of the townships aforesaid shall cause a judge to be chosen, by the voice of the legal voters of said townships, to preside at and conduct said election; and that the judge of election in said townships elected at the next or any future town meeting, shall preside at and conduct the election at the next annual town meeting, and the clerk of said townships shall be clerk thereof, and the officers of said election shall be eligible to any office at said election except that of justice of the peace.

Officers of
election.

Mode of conducting election.

3. *And be it enacted,* That the election shall open at nine o'clock in the morning, and close at five o'clock in the afternoon of the same day, and be conducted in the same manner and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve upon the judges of election and the clerks as are to be performed by the board of election and the clerks in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Town committee to supply vacancies, &c.

4. *And be it enacted,* That a plurality of votes shall be sufficient to elect any officer or officers, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine any amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, the town committee shall at their next meeting thereafter fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Township clerk to be clerk of town committee.

5. *And be it enacted,* That the clerk of the said townships shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of said townships; and when the town committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

6. *And be it enacted*, That the overseers of the poor of said townships shall, at least ten days before the town meeting, prepare and lay before the town committee their annual report, now required by law to be made to the town meeting, and the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof, and of the reports of the overseers of the poor of said townships, posted up in three of the most public places in the township.

Overseers of the poor and town committee to make annual report.

7. *And be it enacted*, That the reports of the town committee and the overseers of the poor of the said townships shall be filed and preserved by the town committee, and they shall at the expiration of their term of office surrender the same to their successors; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, unless otherwise changed, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of the election and clerk shall each receive for attending any town meeting the sum of three dollars, and the town committee shall allow the clerk such compensation for additional duties required by this act as they may deem reasonable.

First and special elections.

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

Approved February 28, 1856.

CHAPTER XLI.

AN ACT to incorporate the Union Omnibus Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob M. Merseles, Henry Newkirk, John M. Cornelison, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Union Omnibus Company," and by that name shall have power to establish one or more lines of stages, omnibuses, or wagons, for the transportation of passengers, goods, wares and merchandise, upon and over such routes, and between such points or places, as they shall or may establish; and they shall have power to purchase and hold such real estate as may be necessary or convenient to enable them to carry on their business, and to erect all convenient and necessary buildings, and to purchase, build and hold such wagons, stages and omnibuses, horses and mules, and to adopt and use all such agencies, aids and conveniences as they may deem fit and proper and necessary for carrying on their said business, and to charge such reasonable reward, price and remuneration for the transportation of passengers, goods, wares and merchandise as they may ordain and fix.

General
powers.Amount of
capital stock.

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

Commission-
ers to receive
subscriptions

3. *And be it enacted*, That Jacob M. Merseles, Henry Newkirk, and John M. Cornelison, or one of them, shall be commissioners or commissioner to receive subscriptions for the capital stock of said corporation; and they or he are hereby authorized for that purpose to open books of subscription at such times and places as they or he shall appoint, giving twenty days' notice of such times and places by advertisement in one or more newspapers.

Election of
directors.

4. *And be it enacted*, That said corporation may commence business when the sum of ten thousand dollars of said capital

stock shall be actually subscribed and paid in; and at such time the said commissioners, or either of them, shall give public notice for ten days, in one or more newspapers, 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 either of them, shall be the judges or judge; which subscribers when so met shall proceed to elect by ballot from among the stockholders five directors, a majority of whom shall be residents of this state, and hold their offices for one year, and until others are elected; and each stockholder at such election, and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

5. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to pass such by-laws, rules and regulations as they may deem expedient and as shall be reasonable to enforce the payment of subscriptions to their capital stock, either by forfeiture of the amount subscribed and paid in, or by action for the amount of the subscription, or otherwise; *provided*, that any sum subscribed and paid in shall not be forfeited unless upon due and reasonable notice.

Directors
may make
by-laws.

Proviso.

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

Commissioners to pay
over sub-
scriptions.

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

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

time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, as shall be fixed by the by-laws.

Officers of
corporation.

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

Proviso.

Annual
statement to
be made.

9. *And be it enacted*, That it shall be the duty of the president and directors of said corporation to exhibit to the stockholders, annually, a full and complete statement of the affairs of said corporation, and to produce the books, accounts and papers thereof, if required so to do by any person or persons being stockholders.

Limitation.

10. *And be it enacted*, That this act shall continue in force for thirty years, and may be altered, amended or repealed at any time by the legislature.

Approved February 29, 1856.

CHAPTER XLII.

AN ACT to incorporate the Howard Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac W. Mickle, Anderson L. Randall, Joseph W. Harrison, John Smylie, junior, and James H. Randall, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body corporate and politic in law, by the name of "the Howard Express Company," and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity, for the purpose of carrying on a general forwarding and express business in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money and other articles, from, to and between various parts and places in this state, and beyond the limits thereof, and to do all such things as are incident to a corporation and necessary for the purposes of this act.

Names of
corporators

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same to three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times, in such manner, and upon such notice as the directors of the corporation may appoint.

Amount of
capital stock

3. *And be it enacted*, That for carrying out the purposes mentioned in the first section, the said company may from time to time procure, hold and use such vehicles, horses and such other personal property as may be needed by them for carrying on their business as aforesaid; and may also purchase, hold and convey so much real estate as may be necessary for the proper transaction of their business.

What pro-
perty may be
held.

4. *And be it enacted*, That the business of the said corporation shall be conducted by not less than five, nor more than fifteen directors, one of whom shall be president, one secretary, and one the treasurer; the said directors shall hold their office one

Officers of
company.

year, and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for every share of stock he may hold.

Annual
statement to
be made.

5. *And be it enacted*, That at the annual meetings of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of the said company during the preceding year, and no dividends shall be declared upon the stock of said corporation except from the net profits thereof, and that the said corporation shall continue in force twenty-five years.

Approved February 29, 1856.

CHAPTER XLIII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Newark."

Boundaries
of 10th ward

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark beginning in the middle of the New Jersey railroad avenue, at the centre of Elm street; thence running along the middle of said Elm street, south-eastwardly in a straight line to a point in the middle of Hamburg place, or the Great Swamp road; thence southwardly along the said the several courses thereof to the meadows; thence in a straight line to the Passaic river, or Newark bay; thence along the said river and Newark bay the several courses thereof to the division line between the city of Newark and the city of Elizabeth; thence westwardly along the said division line to the middle of the Essex and Middlesex turnpike road; thence northwardly along the mid-

dle of said turnpike road until it intersects the New Jersey railroad avenue; thence eastwardly along the middle of said avenue to the middle of Elm street, and place of beginning; shall be and the same is hereby erected into and constituted a new ward, to be called the tenth ward of the said city of Newark.

2. *And be it enacted*, That the inhabitants of said ward by this act created shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Newark are or may be entitled or subject.

Rights and
privileges of
inhabitants
of ward.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted on the second Tuesday of October in every year hereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as prescribed in the fifth section of the act to which this is a supplement; at which election, two aldermen, (except as is hereinafter provided,) one assessor, one collector, one judge of election, two inspectors of election, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two commissioners of public schools; (except as hereinafter provided,) and three constables, shall be chosen in the said ward hereby created, from among the citizens residing therein and entitled to vote at such election; and the common council shall appoint a judge and two inspectors of election, and one person to be a clerk of such board of election, in the said ward hereby created, under whose direction the first election in the said ward, to be held on the second Tuesday of October next, for the election of city and ward officers shall be conducted; and the said elections shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the tenth section of the act to which this is a supplement shall apply and be extended to the judges and clerk of the board for the first election to be held under this act; and the person appointed clerk of such board shall procure an election box for said ward in like manner as therein

Election of
officers.

prescribed; and the term of office of such officers as shall be elected under this section shall commence on the first Tuesday after the first day of January in each and every year.

Members of council to be divided into classes.

4. *And be it enacted*, That at the first or a subsequent meeting of the common council after the first Tuesday after the first day of January next, the members elected for the ward hereby created shall be divided into two classes, one alderman of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year, and that on the second Tuesday of October, in the year eighteen hundred and fifty-seven, and every year thereafter, the said ward hereby constituted shall elect one person as alderman of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

Commissioners of public schools.

5. *And be it enacted*, That at the first or subsequent meeting of the board of education after the first Tuesday after the first day of January next, the commissioners of public schools elected for the said ward hereby created shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and from and after the first Tuesday after the first day of January next, all the provisions of an act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, and of an act entitled "An act to incorporate the board of education of the city of Newark," approved February third, eighteen hundred and fifty-three, shall be construed to extend and apply to the said ward hereby created, in the like manner and to the same extent as to the other wards of the city of Newark.

Special police justices.

6. *And be it enacted*, That there shall be in the said ward hereby created, one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term, and have the like powers and authority as the other special police justices in and for the said city.

7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January, in the year eighteen hundred and fifty-six, to appoint one special police justice in the said ward, who shall enter on the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall before that period take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said ward and the due conducting the first election under this act; and the clerk of the board for such election shall also provide in due season before the said second Tuesday of October next, a proper election box for the use of the said ward, as is hereinbefore enjoined.

Foregoing
sections
when to take
effect.

8. *And be it enacted*, That for all the purposes of the election to be held on Tuesday next after the first Monday in November, eighteen hundred and fifty-six, for members of the general assembly and other officers to be chosen at said election, the said ward hereby created is declared to be constituted and to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place and be conducted by the same officers in the said ward as shall be appointed by the common council for the ward elections to be holden on the second Tuesday of October next; and the officers of election of the said ward (unless disqualified by law or refusing or neglecting to serve, in which case any vacancy or vacancies may be filled according to law) shall perform all the duties which devolve upon them respectively in like manner as the officers of election of the other wards of the city of Newark are by law required to do.

Annual elec-
tions.

9. *And be it enacted*, That the division line between the fourth and ninth wards of the city of Newark be altered so as to conform to the following line, to wit: commencing at a point in the centre of Broad street, opposite the middle of Fair street, and from thence running eastwardly along the

Division line
between
fourth and
ninth wards.

middle of Fair street to a point in the middle of Mulberry street ; thence southerly along the middle of Mulberry street to a point opposite to the centre of Oak street ; thence easterly along the middle of Oak street to a point in the middle of Columbia street ; thence northerly along the middle of Columbia street to a point opposite the centre of Oak alley ; thence easterly along the middle of said Oak alley to a point in the middle of Liberty street ; thence northerly along the middle of Liberty street to a point opposite the centre of East Fair street ; thence easterly along the middle of East Fair street to the middle of the New Jersey railroad avenue ; and that the aforesaid line shall constitute the division line between the said fourth and ninth wards ; and that all acts and parts of acts inconsistent therewith be and the same are hereby repealed.

Approved February 29, 1856.

CHAPTER XLIV.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Mount Holly and Jobstown Turnpike Company."

Road may be extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Mount Holly and Jobstown Turnpike Company shall have the power of extending said turnpike road up to what is called the "Two Mile Tree," on the Monmouth road, being about two miles from Jobstown.

Capital stock may be increased.

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

3. *And be it enacted*, That in the extension of said turnpike road the company shall be subject to all the regulations and liabilities specified in the act to which this is a supplement. Regulations
and liabilities

4. *And be it enacted*, That so much of the said public road as is contained between the end of said turnpike road in the village of Jobstown and said "Two Mile Tree," shall be and the same is hereby vacated ; *provided*, that before the said company shall extend said turnpike road they shall pay to the respective owners of the lands over which said turnpike road shall be extended all damages which the said owners shall sustain by reason of the extension of the said turnpike road ; and in case the said company and any of the said owners cannot agree, the damages shall be ascertained in the manner provided for by the act to which this is a supplement. Part of public
road vacated.

Proviso.

5. *And be it enacted*, That this act shall not go into effect until a majority of the stockholders in interest of said turnpike company shall certify their acceptance of the same as a supplement to and a 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. Act when to
take effect.

Approved February 29, 1856.

CHAPTER XLV.

A SUPPLEMENT to the act entitled "An act to incorporate the Peapack and Plainfield Railroad Company," approved March thirtieth, eighteen hundred and fifty-five.

Publication
of notices.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the notices required to be published by the act to which this is a supplement, shall be published in one or more of the newspapers printed in either of the counties of Somerset or Essex.

Time for
commence-
ment and
completion
of road ex-
tended.

2. *And be it enacted*, That the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and sixty, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and sixty-five.

Election of
directors.

3. *And be it enacted*, That it shall be the duty of the persons named in the first section of the act to which this is a supplement, or a majority of them, to call a meeting of the stockholders to choose directors, a majority of whom shall be residents of this state, according to said act, as soon as one hundred and fifty thousand dollars of the capital stock shall have been subscribed.

Capital stock
may be in-
creased.

4. *And be it enacted*, That the capital stock of said company may be increased to any sum not exceeding the sum of one million of dollars.

Tax to be
paid.

5. *And be it enacted*, That the said company shall pay the tax specified in the nineteenth section of the act to which this is a supplement ; *provided*, no other tax or impost be levied or assessed upon said company.

Proviso.

Part of form
or act repeal-
ed.

6. *And be it enacted*, That the twenty-first section of the act to which this is a supplement, and all acts or parts of acts or clauses in the act hereby amended inconsistent with this act are hereby repealed.

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

Approved February 29, 1856.

CHAPTER XLVI.

AN ACT to authorize the Newark India Rubber Manufacturing Company to extend the time fixed in their certificate for the duration of said company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That it shall be lawful for the Newark India Rubber Manufacturing Company, doing business in the city of Newark, in the county of Essex, and state of New Jersey, to extend and limit the time fixed and limited in the certificate by said company, filed under the act entitled "An act to authorize the establishment and prescribe the duties of manufacturing companies," to and until the fifth day of July, one thousand eight hundred and seventy-six.

Time of duration extended.

2. *And be it enacted,* That the time fixed in said certificate shall be so extended and limited by a majority of the directors of said company signing a certificate in these words, to wit: The Newark India Rubber Manufacturing Company do hereby extend the time fixed in the certificate by them filed under the act entitled "An act to authorize the establishment and to prescribe the duties of manufacturing companies," to and until the fifth day of July, one thousand eight hundred and seventy-six, and by having the said certificate so to be signed, duly acknowledged and recorded in the clerk's office of the county of Essex aforesaid, and filed in the office of the secretary of state; and the said company, when the said certificate shall be so recorded and filed, shall be subject to all the liabilities and possessed of all the rights and powers now by said company possessed.

Certificate to be filed and recorded.

Approved February 29, 1856.

CHAPTER XLVII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Collection of
arrears 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 city council of the city of Camden to appoint annually one or more special constables, as collector or collectors of arrears of taxes, not exceeding one in each ward, to whom respectively the justice of the peace having the list of the delinquent tax payers of the respective wards, according to the direction and appointment of the city councils, shall direct the warrant or warrants required by the eighteenth section of the act concerning taxes, who before they enter upon the duties of the said appointment shall respectively enter into bond to the city of Camden, in such sum and with such sureties as the said city council shall require, for the faithful performance of all the duties of such appointment ; and who shall respectively have all the powers and be required to perform all the duties of a constable in respect to such warrants and of the collection of the arrears of taxes in the same mentioned and under like penalties as are or may be required and prescribed in respect to constables to whom such warrants may be directed and delivered.

Alias and
pluries tax
warrants
may be is-
sued.

2. *And be it enacted*, That an alias or pluries tax warrant may be issued each year, upon the production of the former warrant, to collect the arrears of taxes uncollected by the neglect or default of the officer to whom such former warrant may have been delivered, against the delinquent tax payers named therein, or in the schedule thereto annexed, and so from time to time, at any time within five years from the time when any tax may have become due and payable, until the same shall be collected, which alias and pluries tax warrants shall be directed to the constable or special constable of the wards of the said city, respectively, as may be appointed or directed by the city council, who shall be authorized and required

to execute the same, in the same manner as in the case of the original tax warrant.

3. *And be it enacted*, That the lien for taxes assessed upon real estate in said city, as provided for in the twenty-eighth section of the act to which this is a supplement, shall be and remain a lien, for which taxes and the interest which may accrue thereon, and all costs and fees for the collection thereof, for the space of five years from the time when the taxes so as aforesaid assessed shall become due and payable.

Liens for taxes on real estate.

4. *And be it enacted*, That in case of the sale of any lot or lots of land by the city council, under and by virtue of the thirty-third section of the act of which this is a supplement, to satisfy the costs and expenses of doing the work made a lien by said section, any mistake in the name or names of the owner or owners of such lot or lots, or omission to name the real owner thereof, shall not invalidate any proceedings under said section, or the sale of any real estate by virtue thereof.

Mistake in name not to invalidate proceedings.

5. *And be it enacted*, That the court of general quarter sessions of the peace in and for the city of Camden, be and the same is hereby abolished; *provided*, however, that no indictment, recognizance or proceeding pending in said court shall be avoided or discontinued, but the same shall be and hereby are transferred to the court of general quarter sessions of the peace in and for the county of Camden, which court shall have jurisdiction thereof as if originally found or taken in said court.

Court of general quarter sessions abolished. *Provido*

6. *And be it enacted*, That in case of a vacancy or vacancies occurring, by resignation or otherwise, among the members of the city council, it shall be the duty of the mayor to call an election in the ward where the vacancy or vacancies are, giving at least twelve days notice preceding the day of election in some paper published in Camden, the election to be held in the same place, by the same officers, in all things in accordance to the law regulating the general elections.

Vacancies how supplied

7. *And be it enacted*, That the forty-third and forty-fourth sections of the act to which this is a supplement, and the second section of the act entitled a further supplement to an act entitled an act to incorporate the city of Camden, approved March 17th, 1852, and all other parts of the said acts, or of

Part of former act repealed.

the several supplements thereto, as may conflict with this act, be and they hereby are repealed, and this act shall go into effect on the first day of March next, eighteen hundred and fifty-six.

Approved February 29, 1856.

CHAPTER XLVIII.

AN ACT to incorporate the Clover Hill Public Hall Association, at Clover Hill, in the county of Hunterdon.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John K. Young, Jacob S. Williamson, Simeon S. Dana, John L. Case, Jacob K. Vanderveer, John W. Voorhis, and John C. Van Lieu, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of the "Clover Hill Public Hall Association."

General
powers.

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

Proviso.

Corporation
may hold
real estate
Proviso

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the association ; *provided*, that such real estate shall at no time exceed in value the

sum of two thousand dollars ; and whenever it shall see fit, the said corporation may sell, mortgage, lease and otherwise dispose of the same at pleasure.

Approved March 3, 1856.

CHAPTER XLIX.

AN ACT to authorize the inhabitants of the several road districts in the township of Upper Alloways Creek, county of Salem, to elect their overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall hereafter be lawful for the inhabitants of the several road districts in the township of Upper Alloways Creek, county of Salem, to elect their overseer of roads in the manner following, to wit: the annual town meeting having assembled at the time and place appointed, the legal voters of each road district shall at a convenient period retire by themselves, and elect their respective overseer.

Election of
overseers.

2. *And be it enacted*, That the name of the overseer thus elected shall be publicly reported at the same town meeting, on the re-assembling thereof, and recorded by the clerk of the same.

Name of
overseer to
be reported
and recorded

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

Approved March 3, 1856.

CHAPTER L.

AN ACT to incorporate the Long-a-coming and Chew's Landing Turnpike Company.

Commissioners to receive subscriptions to capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "The Long-a-coming and Chew's Landing Turnpike Company," and that Joseph S. Read, Charles Wright, Samuel M. Thorn, Jeremiah Seeds, Isaac Tomlinson, James Tomlinson, Joseph V. Edwards, Samuel P. Chew, and Edmund Brewer, or a majority of them, are hereby appointed commissioners to 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 two of the newspapers printed in the city of Camden.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be six thousand dollars, with the privilege of increasing it to any sum not exceeding fourteen thousand dollars, and it shall be divided into shares of twenty-five dollars each; and that at the time of subscribing to said stock two dollars and fifty cents shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed; and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such persons as the board of directors of said company shall from time to time direct; and upon failure of the payment thereof as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the

Payment of instalments.

Proviso.

said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority, shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot seven directors for the term of one year, and until others are elected in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be the judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect by ballot seven directors, to hold as aforesaid; and 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; and that if three hundred shares shall not be subscribed for within three years, and the said road completed within five years from the passage of this act, then this act shall be null and void; and that 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
directors.

4. *And be it enacted*, That as soon as conveniently may be after the first and every subsequent annual election of directors, they shall elect a president, secretary and treasurer of said company, for the term of one year, and until others shall be elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and

Officers of
corporation

in case of his absence the said board shall appoint some one of their number, who for the time being shall possess the same power and authority and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer and other officers and agents of said company, such security for the due performance of their respective duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual
statement to
be made.

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

Description
of road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Long-a-coming (to commence at the junction of the Haddonfield road) through Clementon to Chew's Landing, to connect with the Camden and Blackwoodtown turnpike, on or near the present public highway, at least thirty-two feet in width, which said turnpike shall be sufficiently arched and drained to make and keep the same dry; at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may through their officers, agents or other persons in their employ, enter from time to time, and at

all times, upon all lands to search for stone, gravel, sand or clay, for constructing and improving said road as aforesaid, doing no unnecessary damage to said land; *provided* that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass all the 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 said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road.

Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers and workmen, and other persons by them employed, with carts, wagons and other carriages, and with beasts of burden and draft, and all necessary 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 such road, and to take and carry away any stone, sand, gravel or clay therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, 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 lands, or their legal representatives, be first had and obtained; and if the owners of the land and materials as aforesaid shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Camden, who is disinterested

Proceedings in case company and owners can not agree

Proviso.

Parties ag-
grieved may
appeal.

in the premises, upon application by either party, and after ten days notice, in writing, to the opposite party of such application, to appoint three disinterested commissioners, freeholders in the county in which the land lies, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof, and after ten days notice, in writing, to both parties of the time and place, shall meet, view the premises and hear the parties and 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 said county of Camden, to be by him filed as a public record, and certified copies thereof may be taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Camden, at the first term to be held after such decision, by proceeding in the form of petition to the said court, giving at least five days notice, in writing, to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damage sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or jury shall award or find the same or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue if need be for the same; but if the said appeal be made by the owners of the land, and the court or jury shall not award or find the same or a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution

may issue therefor, as the court may direct; and upon payment or tender of the sum so awarded, with costs if any, the said company may enter upon and remove all such earth and other materials as have been so valued and appraised as aforesaid; and, in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report so made in behalf of any such persons into the circuit court of the county of Camden, or to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceedings shall be at the proper costs and charges of the said company, except in cases of appeal as above provided for.

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

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

For every additional beast, one cent;

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 toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burden or pleasure from passing through the said gates or turnpikes until they 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 his common business on his farm, or any militiaman passing to or from any funeral or place of worship on the Sabbath day, or any training on a muster day appointed by

Proviso.

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

Mile stones
to be erected.

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

Penalty for
injuring
works.

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

Penalty for
illegal tolls.

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

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

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

Penalty for obstructing passage.

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

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

who shall prosecute 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 said turnpike road or bridge, and report as aforesaid their opinion to the said judge, who shall, if authorized by the report of said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above prescribed, one or more respectable freeholders of the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Act when to
take effect.

Proviso.

Restrictions
and liabilities.

14. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law; *provided*, that no public road shall be vacated until three hundred shares shall have been subscribed.

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

Approved March 3, 1856.

CHAPTER LI.

AN ACT to incorporate the Warren Foundry and Machine Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James McKeen, Russel S. Chidsey, John Green, Levi Bennet, A. C. McLean, C. A. Hickman, John L. Reigle, A. Wilson, Peter Tellier, Daniel Black, J. H. Wilking, John Eyerman, T. R. Sitgreaves, Depew S. Miller, George W. Stein, Samuel L. Cooley, Isaac C. Wikoff, John Lauder, Charles Sitgreaves, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by the name of "the Warren Foundry and Machine Company," for the purpose of carrying on a general foundry business, including the casting of stoves, steam engines, mill-gearing, car-wheels, and all or any branch of the foundry business, and also manufacturing any and every kind of machinery, in the town of Phillipsburg, in the county of Warren.

Names of corporators.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purpose of the said corporation, not exceeding twenty acres, and may dispose of the same 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.

Corporation may hold real estate.

3. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by seven directors, of whom a majority shall be residents of this state, being stockholders, one of whom shall be president, who shall hold their offices for one year; and that the said directors shall be chosen on the second Monday in February in every year, at such time and place as shall be directed by the by-

Election of directors.

laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in two or more newspapers published in said county, and in one newspaper published in the borough of Easton, in the state of Pennsylvania, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled in person or by power of attorney to as many votes as he shall hold shares of the capital stock of the said company; *provided*, no stockholder shall have more than one hundred votes; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen shall appoint clerks and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, and until other directors are chosen from the stockholders; and the first directors shall be James McKeen, John Lauder, John L. Reigler, C. A. Hickman, Russel S. Chidsey, Charles Sitgreaves, Depew S. Miller, and the survivor or survivors of them, who shall hold their office until the second Monday in February, Anno Domini eighteen hundred and fifty-seven, or until others are legally chosen.*

Proviso.

First directors.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of fifty dollars each; but as soon as the sum of thirty thousand dollars of said capital stock shall have been subscribed and paid, or secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of said company to call and

demand from the said stockholders all sums of money by them subscribed, at such time and in such proportions as they may deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall have been published for thirty days in one or more newspapers published in the said county of Warren, and in one or more newspapers published in the said borough of Easton.

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

Stock transferable.

Proviso.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act the same should be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner provided by law in such cases, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Corporation not dissolved for failure to elect on day prescribed.

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

Directors may make by-laws.

Proviso.

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

Directors to keep books of account.

and registered in the books to be kept by the president and directors for that purpose.

Limitation

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

Approved March 3, 1856.

CHAPTER LII.

AN ACT to incorporate the "Empire Manufacturing Company."

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezekiel W. Sheldon, George G. Gleason, Joseph T. Rowand, Lebbeus Egerton and Albert P. Osborn and their associates, heretofore known as the "Empire Manufacturing Company," and their successors, and all other persons who shall become stockholders in the corporation hereby created, be and they hereby are constituted a body corporate and politic in law, by the name of "the Empire Manufacturing Company," for the manufacture and sale of chairs and other furniture, in all its branches, said manufacture to be carried on in the county of Burlington; and by that name shall have continued succession; shall be capable of suing and being sued in any court of law or equity; shall have the power to make and use a common seal and alter the same at pleasure; and to purchase and hold, mortgage and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of said company; and the said corporation hereby created shall be entitled to all the rights, property and assets of and be subject to all the debts and liabilities incurred by the said company heretofore existing and known as the "Empire Manufacturing Company."

General
powers.

2. *And be it enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, divided into shares of fifty dollars each, of which the stock already subscribed and paid shall be deemed and taken as part; with liberty from time to time to increase the same and the number of shares therein to any amount not exceeding in the whole the sum of fifty thousand dollars; which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation by its by-laws shall direct; and which stock shall be subscribed, called for and paid in at such times and places and in such instalments as the directors may from time to time direct and appoint.

Amount of
capital stock

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than three or more than five in number, shareholders of said company, to be chosen annually at such time and place in the county of Burlington, in such manner and upon such notice as the by-laws of the said corporation shall direct, who shall serve for one year and until others are chosen in their stead; and that Ezekiel W. Sheldon, George G. Gleason, Joseph T. Rowand, Lebbeus Egerton and Albert P. Osborn, now directors of said company, shall be the first directors of said company under this charter, to continue in office until others are elected or appointed in their stead.

First direct-
ors.

4. *And be it enacted*, That the directors of said company shall choose out of their own number a president, and shall have power to appoint such officers, agents, clerks and servants as they may deem expedient; they shall have power to adopt by-laws and rules for the government of said company, not inconsistent with this charter and the laws of this state and of the United States; to fill vacancies in their own board until the next annual election; to declare stock forfeited for non-payment of any instalment or instalments, giving at least thirty days previous notice of any call thereof in one newspaper published in the county of Burlington, said notice to be continued therein once each week; and to sell and issue stock in lieu thereof for the benefit of said company.

Duties and
powers of di-
rectors.

5. *And be it enacted*, That the first annual election of directors shall be held at the office of the said company, in Bever-

Annual elec-
tion of di-
rectors.

ly, on the sixth day of January next, between the hours of twelve o'clock noon and five in the afternoon of said day, or in case of failure, to hold such election at such subsequent time and place as any two of said directors may appoint and thereof give notice; that all elections of directors shall be by ballot, of which two weeks notice shall be given immediately prior thereto in some newspaper published in the county of Burlington; and if from any cause an election of directors shall not take place at the appointed time it shall not work a forfeiture of this charter, but a new election may be held at any subsequent period upon like notice.

Annual report to be made.

6. *And be it enacted*, That the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of stock actually paid in, of the assets and debts of the company, and that no dividends shall be declared except from the actual profits of the company.

Annual meetings.

7. *And be it enacted*, That if the directors shall neglect or refuse to call annual meetings of the stockholders at the time prescribed by the by-laws of the company, or otherwise, such meetings may be called by any three stockholders, and also any special meeting of the stockholders may be so called by notice thereof signed by said three stockholders, and published as hereinbefore directed.

Act when to take effect.

8. *And be it enacted*, That this act shall take effect so soon as the said "Empire Manufacturing Company," at a meeting of the stockholders to be called for that purpose, shall by resolution signify their acceptance thereof as the charter of said company, and this act shall continue in force thirty years, and it shall be lawful for the Legislature of this state at any time hereafter to amend, modify or repeal this act as they may think proper.

Restrictions and liabilities.

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

Approved March 3, 1856.

CHAPTER LIII.

AN ACT to incorporate the Farmers' Mutual Fire Assurance Association of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac R. Srope, William Egbert, George W. Vroom, David D. Schamp, John S. Hoagland, David Davis, Andrew Vansycle, Peter E. Voorhees, Aaron Thompson, Jonathan Dawes, John S. Berger, Harman Hagemen, Cornelius C. Lane, Nelson Thatcher, James Ten Eyck, Andrew Fleming, Joseph Thompson, Mahlen Smith, Aaron Lane, John Blane, William H. Drake, John P. Rittenhouse and others, their successors, associates and assigns, shall be and are hereby ordained, constituted and declared a body corporate in fact and in name, by the name of "the Farmers' Mutual Fire Assurance Association of New Jersey;" 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 in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and may alter and change the same at pleasure, and also that they and their successors, by the name of "the Farmers' Mutual Fire Assurance Association of New Jersey," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said real estate which it may be lawful for the said corporation to hold be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken in security for or in payment of debts, nor shall the yearly income of such real estate exceed one thousand dollars.

Names of corporators.

General powers.

Proviso.

2. *And be it enacted*, That all persons who shall insure in or with the said association shall be deemed and taken for members of the said corporation; and that the property and concerns of the said corporation shall be conducted and man-

Election of directors.

aged by not less than seven nor more than thirteen directors, all of whom shall be citizens of this state, and at least three of them residents of the township of Readington, in the county of Hunterdon, and one or more of the township of Branchburgh, in the county of Somerset, and shall not hold a like office or agency in any other insurance company, to be chosen by ballot by and among the members, to hold their office for one year and until others are chosen, and that an election for directors shall be held on the fourth Tuesday in January, in every year, at the office of the association, in the township of Readington, or such other place as a majority of the directors may previously designate, in the said township of Readington, in the county of Hunterdon, public notice of which shall be given by the secretary, in one or more newspapers published in the county of Hunterdon, at least three weeks previous to the time of holding such election; and if any of said directors shall die or refuse or neglect to act in their said office for the space of two months, then the remaining directors shall have full power to fill such vacancy or vacancies until the time of the next annual election; and in case it should happen that an election should not be held on the day when pursuant to this act it ought to have been held, the said corporation for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors; *provided always,* that said election shall be held between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

Corporation
not dissolved
for failure
to elect on
day pre-
scribed.

Proviso.

What pro-
perty 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, school houses, and houses for religious worship, mechanic shops, barns, wagon houses and other farm buildings, with or without their contents, against loss or damage by lightning or fire; *provided,* that no dwelling house or shop shall be insured which stands within twenty feet of any other dwelling house or shop; *and provided also,* that the insurance taken on any one building and its contents shall in no case exceed three thousand dollars.

Proviso.

Proviso.

First
directors.

4. *And be it enacted,* That Isaac R. Srope, David Davis, Peter E. Voorhees, Tunis V. M. Cox, John P. Rittenhouse and Nelson Thatcher, of the county of Hunterdon, John S. Hoag-

land, Andrew Fleming and James Ten Eyck, of the county of Somerset, be and are hereby appointed directors, to hold their offices until the fourth Tuesday in January next; and that the directors hereinbefore mentioned shall as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act shall as soon as convenient after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of the township of Readington, in the county of Hunterdon, and shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve of the president, such vacancy may be filled for the remainder of the term by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the by-laws of said company may provide; *provided* that the president of the said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them. Proviso.

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and to alter and amend the same; and touching all such other matters as appertain to the business, ends and purposes which the corporation by this act is entitled to; and also shall have power to appoint a secretary, who shall be a resident of the aforesaid townships of Readington or Branchburgh, surveyors, and such additional officers, clerks and servants for carrying on the business of the said corporation, with such allowances as to them shall seem meet and proper; *provided* that such by-laws, rules and regulations be not repugnant to the constitution of the United States or this state; and *provided* also that any one or more of such officers, clerks and servants may at any time be removed by a majority of said directors for misconduct. Duties and powers of directors.
Proviso.

6. *And be it enacted*, That it shall not be lawful for the president or any other officer of any other insurance company en- Officers of other companies not to hold office in this.

gaged in insuring buildings or personal property against loss, or damage by fire, to be an officer or agent of the company incorporated by this act.

Policies how made.

7. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms, and conditions, and for such periods of time, and confined to such place as shall be from time to time ordained and prescribed by the by-laws rules and regulations of the said corporation; *provided*, that no policy of assurance shall be issued for more than ten years, and that no transfer of any policy of insurance of the said company shall be valid for more than thirty days after such transfer until it be entered in the books of said company and certified by the secretary.

Proviso.

Officers to give bond and take oath.

8. *And be it enacted*, That the directors shall take bond of the treasurer and collectors for such sums as they shall think proper for the faithful performance of their duty; and that each director, surveyor, treasurer or secretary, shall before he enters on the duties of his office, take the following oath or affirmation (as the case may be): I,

do swear (or affirm) that I will honestly and faithfully execute the duties of of this association agreeably to the provisions of this act and the trust reposed in me, to the best of my skill, knowledge and judgment; which oath or affirmation the president or secretary is hereby authorized to administer.

Duties of secretary.

9. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, fill up all policies of insurance, countersign and seal the same with the seal of the corporation, certify all drafts or orders of the president for the payment of moneys, and such other duties as the board of directors from time to time by their by-laws may direct.

When policies may be issued.

10. *And be it enacted*, That no policy shall be issued by the said company until applications shall have been made for insurance to the amount of one hundred thousand dollars.

Assessment to be made in case of losses sustained.

11. *And be it enacted*, That in case of loss or damage by fire, it shall be the duty of one or more of the directors to ex-

amine the same and ascertain the liabilities of the association, which liabilities shall be paid in sixty days; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained or other liabilities to a greater amount than they have funds to discharge, in such cases the directors for the time being shall with all convenient expedition proceed to assess such deficiency, in a rateable proportion, on the members of the association or their representatives, according to the amount of each member's insurance, which rates of assessment shall be approved by a majority of the whole number of directors, and notice in writing shall be given to each member or his representative, or be posted against the building insured, of the assessment and amount by him, her or them to be paid, and each and every member, or his representative, so notified, shall pay the same to the collector or treasurer for the time being within forty days after such notification, and default thereof shall forfeit double said rates and all their rights and claims to any policy that they may have obtained, and be no longer members of the association until they shall have paid said double rates, but shall be liable to a recovery of double the amount of such rates or assessment by action of debt, with costs of suit, before any court of competent jurisdiction; and no person on account of his being a member of this corporation shall be incompetent to be a witness for or against said association.

12. *And be it enacted*, That any five of said directors when met agreeably to public notice shall be a quorum to transact business, and when any less number shall do business as a committee, such business when approved by a majority of the board shall be taken as the action of the board, and be entered on the books of the association, which books shall always be open at suitable times for the inspection of the directors. Quorum.

13. *And be it enacted*, That the president or secretary shall have power to call a special meeting of the board when he shall deem the interest of said association demands the same, and the board shall cause a statement of their doings to be made at the annual meeting; any twenty members calling for a special meeting of the board in writing, the president shall convene said board within thirty days. Special meetings.

Money how
drawn from
treasury.

14. *And be it enacted*, That no money shall be drawn from the treasurer of the association except for the purpose of paying damages in case of loss by fire or damage by lightning and incidental expenses, without the consent of all the directors of said association.

Corporation
may borrow
money.

15. *And be it enacted*, That the president and treasurer may by the direction of a majority of the board of directors borrow in the name of the association, for the purpose of paying losses, any sum or sums of money not exceeding five thousand dollars, and the officers of the association shall always stand and be indemnified and saved harmless by the association in and for giving and signing policies and all other lawful acts, deeds and transactions done, performed and executed in pursuance of and by virtue of this act and the by-laws of the association.

Act may be
repealed.

16. *And be it enacted*, That the chartered privileges hereby granted do not include banking privileges, nor the right to insure property in any other state but the state of New Jersey; and if the privileges granted shall at any time prove injurious to the public welfare or need alteration it shall be lawful for the legislature to amend, modify or repeal the same; *provided*, that no contract made by said corporation before such repeal shall be affected thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Proviso.

Approved March 3, 1856.

CHAPTER LIV.

AN ACT to incorporate the Bordentown and Crosswicks 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 Bordentown and Crosswicks Turnpike Company shall be opened by Robert E. Peterson, Jacob M. Bunting, Stewart Cook, Aaron Bunting, William A. Newbold, Charles Mickle, Josiah Buzby, Daniel S. Mershon, junior, Samuel Bunting, Samuel Taylor and Whittall Stokes, or a majority of them, who are hereby appointed to receive subscriptions to said stock at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Burlington.

Commissioners to receive subscriptions.

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

Amount of capital stock.

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

Payment of instalments.

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

Act void if stock is not subscribed for in certain time.

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

Election of directors.

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

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors shall elect from their number a president of their said company, who shall be a citizen of this state, and resident of the county of Burlington, who shall hold office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have

charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence or inability 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 di-
rectors.

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

Proviso.

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

Annual
statement to
be made.

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

Special meet-
ings.

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 an election herein before named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

Description
of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Bordentown to Crosswicks, in the county of Burlington, beginning where the road from Burlington to Bordentown connects with the Bordentown and Crosswicks road; thence along the said public road leading from Bordentown to Crosswicks, the most approved course, to a stake in the said road near the dwelling house of Stewart Cook, with the privilege to straighten certain points along said road, and with a privilege of building a branch thereof, commencing at a point near or opposite the farm house of William Carslake; thence, along the public road leading to Recklesstown, to said Recklesstown, to a point at or near the farm house of Ann Pearce, and to extend the said branch to New Egypt, Ocean county; which said turnpike and branch shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road at all seasons of the year; and it shall be so graded that in its progress no part of said roads shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said roads shall be raised so much at the margin or side as to render carriages passing thereon liable to over-set, the said company shall cause good and sufficient railings to be erected and maintained on the side so as to prevent horses and carriages from running off; and the said company

may, by their officers, agents, or other persons in their employ, enter from time to time and all times, upon all lands to search for stone, gravel, sand or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike roads as aforesaid, they shall pay to the respective owners of the land over which the same may pass all damages which the said owners will sustain by reason of the construction of said turnpike roads; and in case the said company and the owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike roads.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implemènts, to enter upon all lands contiguous or near to the route of said roads, doing as little damage thereto as possible, repairing any breach they might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said roads; and to take and carry away stones, gravel, clay, sand, earth or other materials therefrom suitable for making or repairing said roads; and that when the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or 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 oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the

Proceedings
in case com-
pany and
owners can-
not agree.

judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said lands and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and to view and examine the said lands and materials and make a just and equitable appraisal of the value of the same and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials and the appointments and oaths or affirmations aforesaid in the clerk's office of the county of Burlington, to remain on record therein, and shall be recorded by the said clerk; which report or a copy thereof certified by the clerk of said county shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials after the payment of the 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 ne-

glect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the company.

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

For every carriage, sleigh or sled, drawn by one beast, one 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 toll gatherer to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any 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*, there shall not be a gate erected within the limits of the borough of Bordentown. Proviso.

14. *And be it enacted*, That before the said company shall Mile stones
to be erected.

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

Penalty for
injuring
works.

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

Penalty for
taking illegal
tolls.

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

Penalty for
obstructing
passage.

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

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

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road and report in writing under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately under his hand and seal order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company again to view the said road or bridge, and report as aforesaid their opinion to the said judge, who shall if authorized by the report of the said persons, or any two of them, by license under his hand and seal directed to the toll-gatherer, permit the gates or turnpikes to be shut and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same

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

fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll
gates may be
erected.

19. *And be it enacted*, That whenever the said company shall have completed any three consecutive miles of said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll-gate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates.

Public roads
may be used.

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

Limitation.

21. *And be it enacted*, That this act shall continue in force twenty years, and if the said road be not completed within three years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations."

Approved March 3, 1856.

CHAPTER LV.

AN ACT to incorporate the Cumberland County Agricultural and Horticultural Society.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James H. Flanagan, George W. Sheppard, Providence Ludlam, Edward Reeve, John Stutes,

Mark Harmer, Joseph A. Bowen, Percival Nichols, David Padget, Harris Ogden, jun., of the county of Cumberland, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "the Cumberland County Agricultural and Horticultural Society."

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

Society may
make by-
laws.

Proviso.

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

Property not
to be taxed.

Proviso.

Approved March 3, 1856.

CHAPTER LVI.

AN ACT to authorise the inhabitants of the township of Salem, in the county of Salem, 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 township of Salem, in the county of Salem, authorized by law to vote at their town meetings, are hereby authorized and required to

Township
officers.

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 now or may be hereafter fixed by law, that is, in said township a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highway as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective townships may be constitutionally entitled to elect, one or more constables, one or more pound-keepers; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads, and for such other purposes as by law said township is authorized to raise money, and for the place of holding the next annual town meeting, and the election of state and county officers; and also, on the same ballot, may vote for an appropriation for public lamps and lighting the streets, and for public wells and water tanks or cisterns.

Judge of
election.

2. *And be it enacted*, That one hour previous to the time hereinafter mentioned for opening the election of the next annual town meeting, the clerk of the township aforesaid shall cause a judge to be chosen by the voice of the legal voters of said township to preside at and conduct said election; and that the judge of election in said township elected at the next or any future town meeting, shall preside at and conduct the election at the next annual town meeting, and the clerk of said township shall be the clerk thereof; and the officers of said election shall be eligible to any office at said election except that of justice of the peace.

Mode of con-
ducting elec-
tions.

3. *And be it enacted*, That the elections shall open at nine o'clock in the morning and close at five o'clock in the afternoon of the same day, and be conducted in the same manner and be subject to the same rules as elections for state and county officers are or shall be, and the same duties shall devolve upon the judge of election and the clerk as are performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applica-

ble, be invested with the same powers, and be liable to the same penalties; the same qualification for voters shall be required, and the result ascertained in the same manner and stated according to law.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officers or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or fix the place of holding the next town meeting or state and county election, or in case of refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, the town committee shall, at their next meeting thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified. Vacancies &c

5. *And be it enacted*, That the clerk of said township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of said township; and where the town committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county. Clerk to keep minutes.

6. *And be it enacted*, That the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof posted up in three of the most public places of the township. Annual report.

7. *And be it enacted*, That the report of the town committee shall be preserved and filed, and they shall at the expiration of their term of office surrender the same to their successors; in posting up the list of officers selected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under the act shall be held at Compensation to officers.

the place appointed at the last town meeting, unless otherwise changed, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall each receive for attending any town meeting the sum of three dollars; and the town committee shall allow the clerk such compensation for additional duties required by this act as they may deem reasonable.

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

Approved March 3, 1856.

CHAPTER LVII.

AN ACT to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, to the township of Freehold, in the county of Monmouth, and to the township of Bloomfield, in the county of Essex, and to the township of Harrison, in the county of Hudson, and to the township of Woodbridge, in the county of Middlesex, and also the township of Wayne, in the county of Passaic, and the township of Union, in the county of Essex.

Provisions of
former act
extended.

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

Bergen," approved February twelfth, eighteen hundred and fifty-two, and all the benefits and provisions of said act be and the same are hereby extended to the township of Freehold, in the county of Monmouth, and to the township of Bloomfield, in the county of Essex, and to the township of Harrison, in the county of Hudson, and to the township of Woodbridge, in the county of Middlesex, and also the township of Wayne, in the county of Passaic, and the township of Union, in the county of Essex.

Approved March 3, 1856.

CHAPTER LVIII.

AN ACT to incorporate the Elizabeth Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard T. Haines, James B. Burnet, James W. Angus, Josiah Sterns, Charles A. Higgins, Charles H. Ross and James W. Woodruff, of Elizabeth, 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 Elizabeth Hotel Company," and by that name shall have power to lease, purchase and hold real estate in the city of Elizabeth, in the county of Essex, and to erect a hotel and other buildings and improvements on any part of said real estate, for the accommodation of the public, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting or leasing said premises, or otherwise disposing of the same.

Names of
corporators.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital of fifty thousand dol-

Amount of
capital stock.

lars, which shall be divided into shares of twenty-five dollars each, and shall be transferable in such manner as the by-laws of the said corporation shall direct; and each share of the said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which may be given either by proxy or in person.

Stock not to
be with-
drawn or re-
funded

3. *And be it enacted*, That no part of the said capital stock shall at any time or in any manner, or under any pretence whatever, be drawn from the legitimate business of the said corporation or refunded to the stockholders until all the debts and liabilities of said corporation are fully paid.

Election of
directors.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, in such manner as by the by-laws of said corporation shall prescribe; and shall not be less than seven in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

Amount of
debts.

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

Annual
statement to
be made.

6. *And be it enacted*, That annually, in the month of April, the directors of said corporation shall submit to the stockholders thereof a written statement of the affairs of the same, verified by the affidavit of the acting president of said corporation; and no dividend shall be paid to the stockholders except from a clear surplus in hand over and above the full amount of the debts and liabilities of said corporation.

Commission-
ers to open
books of sub-
scription.

7. *And be it enacted*, That Richard T. Haines, James B. Burnet, James W. Angus, Josiah Sterns, Charles A. Higgins, Charles H. Ross and James W. Woodruff, or a majority of them, are hereby constituted commissioners to open books and take subscriptions for the said capital stock, in such manner as they may deem expedient, at such time and place as they shall designate by notice thereof in writing published for at least two weeks previously thereto in one of the newspapers of said city of Elizabeth; and whenever the said subscriptions amount to at least ten thousand dollars the stockholders representing the same may convene upon the call of the said commissioners, or a majority of them, and elect such of

ficers and directors and make such by-laws as they may deem necessary for conducting the affairs of said corporation; and the remainder of the stock, if any, shall be disposed of under the direction of said officers and directors, or their successors in office.

Approved March 4, 1856.

CHAPTER LIX.

AN ACT to authorize "the Trustees of the First Presbyterian Church at Blackwoodtown," to sell a tract of land situate in the township of Deptford, in the county of Gloucester, and state of New Jersey.

WHEREAS, David Morgan, in his lifetime, now deceased, by deed Preamble.
duly executed, bearing date the eighteenth day of October, one thousand seven hundred and sixty-five, did convey to Michael Fisher, David Roe, Lazarus Pine, Peter Cheeseman, Randal Morgan, Samuel Blackwood and Abraham Roe, for good and lawful consideration therein mentioned, a certain tract of land described in said deed as situate in Deptford, in the county of Gloucester, on the southwesterly side of the South Branch of Great Timber Creek, bounded as follows: beginning at a black oak tree standing under the hill by the South Branch of Timber Creek, corner also to lands of Samuel Blackwood, and runs thence by his land south thirty-one degrees west, ten chains and forty links to a pine tree; thence still by his land south sixty-seven degrees west, twenty-one chains and fifty links to a small white oak; thence by Erwin's land north thirty-seven degrees west, twenty-two chains and fifty links to a post in

James Jaggard's line; thence by his land north twenty degrees east, fifteen chains and fifty links to a post; thence by Erwin's land north eighty-two degrees and forty-five minutes east, crossing Muddy Run Branch to a leaning sassafras; thence still by said Erwin north third-six degrees east, twelve chains to the creek aforesaid; thence up the said creek by the several courses of the same, to the corner first mentioned, containing one hundred and five acres and two roods.

Sale of land
authorized.

1. *And be it enacted*, That Randal E. Morgan, Jonas Livermore, John E. Marshall, Stephen Bateman, Charles Stephenson and Joseph Cole, and their successors, "the trustees of the First Presbyterian Church, at Blackwoodtown," in the county of Camden, be and they are hereby authorized and empowered to sell at public sale the said tract of land in the above preamble mentioned, or any part or parts thereof, together with all the tenements, hereditaments and appurtenances to the same belonging, and to make good and sufficient deed or deeds to the purchaser or purchasers thereof, duly executed under their hands and the seal of the said corporation, which deed or deeds shall be as good and effectual to grant, sell, convey and assure the said lands, tenements and real estate, with the hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Michael Fisher, David Roe, Lazarus Pine, Peter Cheeseman, Randal Morgan, Samuel Blackwood and Abraham Roe, their survivors, heirs or successors duly appointed according to the provisions of the deed in the preamble to this act mentioned; and that they the said trustees and their successors hold the proceeds of said sale or sales in trust for the benefit of said church. And that such deed or deeds when so made and executed, shall vest an absolute estate in fee simple in the said tract of land in the purchaser or purchasers thereof, freed and discharged from all uses and trusts whatsoever, without any liability on the part of the said purchaser or purchasers for the application or misapplication of the purchase money.

Approved March 4, 1856.

CHAPTER LX.

A SUPPLEMENT to an act entitled "An act concerning marriages,"
passed March fourth, seventeen hundred and ninety-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any marriage heretofore solemnized, or which may hereafter be solemnized, has been or hereafter shall be acknowledged by any religious society in this state to which either of the parties to such marriage at the time of the solemnization thereof belonged, or shall belong, and shall have been or thereafter shall be recorded in the minutes, proceedings or other book of such religious society, such marriage shall be as lawful to all intents and purposes as if both of the parties to such marriage belonged or shall belong to such religious society.

Certain marriages legalized.

Approved March 4, 1856.

CHAPTER LXI.

A SUPPLEMENT to an act entitled "An act to incorporate the Gas Light Company of the city of New Brunswick."

WHEREAS, it is represented that certain parties residing on the easterly side of the river Raritan, and outside the territorial limits of the city of New Brunswick, are desirous to be supplied with gas by the said "the Gas Light Company of the city of New Brunswick," and wish said company to be invested with the necessary powers therefor,

Preamble.

Company
authorized to
extend gas
mains.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "the Gas Light Company of the city of New Brunswick" be and they are hereby authorized to continue their gas mains across the said river Raritan, and so far on the easterly side of said river as they may deem expedient and necessary to supply gas to persons living on the easterly side of said river, and to erect gas posts and burners in as full and ample a manner as they have authority under their charter to lay mains and furnish gas to the inhabitants of and in the city of New Brunswick; *provided always*, that said gas main so to be laid across the said river shall not in any wise interfere with navigation of the basin of the Delaware and Raritan canal, or with the rights of the New Brunswick Bridge company.

Approved March 4, 1856.

CHAPTER LXII.

SUPPLEMENT to an act entitled "An act to authorize the inhabitants of school district number seven, in the township of Pequannock, in the county of Morris, to raise money for school purposes," passed March thirteenth, eighteen hundred and fifty-one.

Number of
trustees
limited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be so altered and amended as to limit the number of trustees to three, who shall be elected in the manner prescribed in section eight of an act entitled "A supplement to the act entitled an act to establish public schools," passed March fourteenth, eighteen hundred and fifty-one.

2. *And be it enacted*, That the proviso in section seven of

the act to which this is a supplement which limits the sum that may be raised by tax under that act, "for the purchase of a stove or fuel or other necessary fixtures and apparatus for the use of the public school in said district, to purchase books for a school library for the use of the said district, in any one year to a sum equal to twenty-five cents for each child residing in said district over five and under sixteen years of age," be so altered and amended that it shall be lawful for the inhabitants of said school district under the authority of said act to raise by tax, for the purchase of stoves, fuel, furniture, school books, scientific apparatus and books for a school library for the use of the said district, and for the necessary expenses of keeping the school house and grounds clean and in good order, a sum in any one year not to exceed one dollar for each child residing in said district over five and under eighteen years of age.

Money may be raised by tax for school purposes.

3. *And be it enacted*, That the superintendent of public instruction for the township of Pequannock is hereby required every year to pay unto the treasurer of said school district number seven the sum of money apportioned by him to said school district, as soon as the same is received and apportioned by him.

School money to be paid over.

4. *And be it enacted*, That it shall be the duty of the treasurer of the said school district to render annually to the superintendent of public instruction for the township of Pequannock, a full and particular account of all money received by him for school purposes, under authority of this act, and of the objects for which the same have been expended, said account to be rendered on or before the fifteenth day of December in each year.

Treasurer to make annual report.

5. *And be it enacted*, That wherever in the act to which this is a supplement, the period of sixteen years is mentioned in connection with the ages of children, it shall be so altered and amended as to read eighteen years.

Act amended

6. *And be it enacted*, That all acts or parts of acts coming within the provisions of this act, and being repugnant thereto, be and the same are hereby repealed, so far as they relate to or concern the said school district number seven, of Pequannock township.

Part of former act repealed.

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

Approved March 4, 1856.

CHAPTER LXIII.

A SUPPLEMENT to an act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

Former act
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred fifty-four, be and the same is hereby repealed, and that the following be inserted in its place as section nine of said act: "*And be it enacted*, That every person who, on the first day of May next, shall have been a fireman in the township of Hoboken for the term of five years or more, and who shall serve as such two years thereafter, and every person who on the first day of May next shall have been such fireman for a less period of time than five years, and who for so long a time thereafter as shall make the whole term of service seven years, and every person who may become such fireman after the passage of this supplement, and shall serve as such for seven years thereafter, shall be exempted from serving as a juror in any of the courts of this state, and from all militia duty and military tax in time of peace; and all persons having served as a member of said department for the period of seven years, and having received a certificate from the

council of the city of Hoboken of such service, shall be forever exempt from such militia duty and tax, except in case of war, invasion or insurrection.

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

Approved March 4, 1856.

CHAPTER LXIV.

A FURTHER SUPPLEMENT to the act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person not holding a license as pilot under the laws of the state of New Jersey, or under the laws of the state of New York, who shall pilot, or offer to pilot, any ship or vessel not exempted by virtue of the laws of this state from pilotage, to or from the ports of Jersey City, Newark, or Perth Amboy, by the way of Sandy Hook or Kill Van Kull, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days; and any person or persons employing a person to act as pilot not holding a license as aforesaid, shall forfeit and pay to the pilots suing therefor in behalf of themselves and the commissioners of pilotage for New Jersey, the sum of one hundred dollars, to be collected by decision of the courts authorized to act in such cases. Pilots to be
licensed.

Part of former act repealed.

2. *And be it enacted*, That the tenth section of the act entitled "A further supplement to the act entitled 'An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook,'" approved February eighth, eighteen hundred and thirty-seven, which supplement was approved February sixteenth, eighteen hundred and fifty-five, be and the same is hereby repealed.

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

Approved March 4, 1856.

CHAPTER LXV.

AN ACT to annex part of the township of Nottingham, in the county of Mercer, to the city of Trenton, and the residue thereof to the township of Hamilton, in the said county.

Boundaries of part annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Nottingham which lies north of the line drawn from the lime kiln on the Delaware and Raritan canal, along the foot of the high bank westerly to the Delaware river, be and the same is hereby annexed to and made a part of the city of Trenton, to all intents and purposes as if said territory had originally been a part of said city; and that the inhabitants of said territory and their successors forever shall be members of the corporation created by the act incorporating said city, by the name, style and title of "the inhabitants of the city of Trenton;" and that the charter of said city, and the several supplements thereto, and all laws passed in relation to said city, and all ordinances heretofore passed by the common

council of said city, shall have the same force and effect within the territory hereby annexed as they have heretofore had and now rightfully have, within the original limits of said city.

2. *And be it enacted*, That the said "the inhabitants of the city of Trenton," and their successors, shall by this act become and they are hereby declared to be absolutely and completely vested with, and possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion and remainder, which at the time this act shall take effect may be vested in or belong to "the inhabitants of the township of Nottingham, in the county of Mercer," in their corporate capacity as now incorporated, according to such estate and interest as the said "the inhabitants of the township of Nottingham, in the county of Mercer," at the time this act shall take effect may have or of right ought to have in the same; *provided*, that nothing in this act contained shall affect any suit or suits now pending in the name of "the inhabitants of the city of Trenton," or in the name of "the inhabitants of the township of Nottingham, in the county of Mercer."

Property invested in inhabitants of city of Trenton.

Proviso.

3. *And be it enacted*, That the territory hereby annexed to the city of Trenton, shall constitute one ward of said city, to be called the sixth ward, and that the same number of officers now required by law to be elected in the several wards of said city, except members of common council, shall be elected annually in the ward hereby constituted; *provided*, that said sixth ward shall still remain and constitute a part of the third assembly district in said county of Mercer.

Sixth ward.

Proviso.

4. *And be it enacted*, That at the first annual ward election of said ward there shall be elected, besides the other officers electible, four members of the common council; at the first meeting of the common council thereafter these members shall by lot divide themselves into two equal classes; the seats of the first class shall be vacated at the end of the first year, and of the second class at the end of the second year; and at every annual ward meeting thereafter, said ward shall choose the same number of members of council as the other wards of said city.

Ward officers

5. *And be it enacted*, That the annual meetings of the ward

Annual meetings.

hereby created shall be held at the same time, and in the same manner as the ward meetings of the other wards in said city; the first annual meeting of said ward shall be held at the house now occupied by Samuel Crosley; the voters who attend at the hour appointed shall choose three judges and a clerk of the first election, who shall be sworn or affirmed faithfully to execute their offices by any justice of the peace; said officers shall hold said election and make returns thereof in the same manner as is required by law of other ward election officers.

Justices of
the peace.

6. *And be it enacted*, That the justice of the peace elected in the said township of Nottingham, and now in commission, shall hold his office until his term shall expire as if this act had not been passed; at the expiration of said term their may be elected in the ward hereby created two justices of the peace; and the same number of justices may be elected from time to time until the number which said ward may be entitled to shall be determined according to law by the next census to be taken by the general government of the United States.

Paupers

7. *And be it enacted*, That all paupers who may be when this act shall take effect chargeable to the township of Nottingham shall thereafter be chargeable and supported by the city of Trenton.

Surplus
revenue.

8. *And be it enacted*, That so much of the surplus revenue of the general government as is now deposited with the township of Nottingham, and the interest due thereon, shall be paid over and delivered to the proper officers of the city of Trenton; and thereupon said township of Nottingham shall be discharged from and the said city of Trenton shall be liable for said surplus revenue; and the said city of Trenton shall be entitled to recover and collect in their own name any investments of said revenue which may have been made as fully as the township of Nottingham might have done as if this act had not been passed.

Part of Not-
tingham an-
nexed to
Hamilton.

9. *And be it enacted*, That so much of the township of Nottingham as is not included within the bounds of the ward hereby created, shall be and the same is hereby annexed to and made a part of the township of Hamilton, in the county of Mercer.

10. *And be it enacted*, That the commissioners appointed to take acknowledgment and proof of deeds in and for said township of Nottingham, shall continue in office until their respective terms shall expire; and all their acts as such shall be as legal as if this act had not been passed, and all township officers now in office in that portion of said township of Nottingham hereby annexed to Trenton, are hereby authorized to hold their respective offices until the second Monday in April next.

Commissioners of deeds.

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

Act when to take effect.

Approved March 6, 1856.

CHAPTER LXVI.

AN ACT to change the name of Benjamin Swain to Benjamin Whiting.

WHEREAS, Benjamin Swain, of the county of Sussex, being an orphan, has been adopted by his uncle Joseph Whiting, he is desirous of having his name changed to Benjamin Whiting; therefore,

Prezable.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Benjamin Swain, of the county of Sussex, be and the same is hereby changed to Benjamin Whiting, and by that name shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Benjamin Swain.

Name of Benjamin Swain changed.

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

Approved March 6, 1856.

CHAPTER LXVII.

AN ACT concerning firemen of the township of Belleville, in the county of Essex.

Firemen exempted from jury and military duty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every person, not exceeding fifty in number, who on the first day of^o May next shall have been a fireman in the township of Belleville, in this state, and who shall continue in such service for the term of seven years, and every person who may become such fireman after the passage of this act and shall serve as such for seven years thereafter, shall during and for ever after such service be exempted from serving as a juror in any of the courts of this state, and from all militia duty, except in cases of war, invasion or insurrection.

Part of former act repealed.

2. *And be it enacted*, That any act inconsistent with the provisions of this act, so far as relates to the aforesaid township, be and the same is hereby repealed.

Approved March 6, 1856.

CHAPTER LXVIII.

AN ACT for the relief "the Presbyterian Church at Long Branch," in the township of Ocean, and county of Monmouth.

Preamble.

WHEREAS, Jacob H. Van Derveer, John W. Slocum and Charles Herbert, trustees of the Presbyterian Church, on Long Branch, in the township of Ocean, and county of Monmouth, are desirous of selling the lot of land and the church erected thereon, at public vendue or otherwise, for

the purpose of the payment of debts against the same, the said church being no longer used by the said congregation as a place of worship;—Therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees, or their successors in office, of "the Presbyterian Church on Long Branch," in the township of Ocean, and county of Monmouth, are hereby authorized and empowered to sell by public vendue or otherwise all that lot of land being the site of "the Presbyterian Church on Long Branch," together with the building and appurtenances, rights, liberties and hereditaments to the same belonging, said lot or site being the same as conveyed by deed dated July twelfth, eighteen hundred and forty-eight, from Jonathan Slocum and wife, to the said trustees; and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, under the hand and seal of the above named trustees, or their successors in office, and upon the payment of the purchase money by the purchaser or purchasers to the said trustees, taking their receipt for the same, such purchaser or purchasers shall be vested with and entitled to all the said lot of land and premises, building and appurtenances thereunto belonging to them, their heirs and assigns.

Trustees authorized to sell real estate.

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

Approved March 6, 1856.

CHAPTER LXIX.

AN ACT to establish a ferry across the Delaware river at Henry Geise's ferry, known by the name of "Columbia Ferry," in the village of Columbia, Warren county.

H. Geise authorized to keep ferry.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Geise be authorised to establish, keep and maintain a ferry from his landing at the foot of Columbus street, in the village of Columbia, in the county of Warren, across the Delaware river to his landing on the opposite Pennsylvania shore, and that the same may be maintained by him, his heirs and assigns.

Landing and ferry to be kept in repair.

2. *And be it enacted*, That the said Henry Geise, and his heirs and assigns, shall keep the said landings and ferry in good condition and repair, fit for the transportation and passage of persons and property, horses and other animals, carriages, et cetera, and shall keep good and substantial boats and other necessary crafts, and competent and careful ferrymen, who shall constantly as occasion may require attend for the purpose of transporting persons and property as aforesaid with all reasonable diligence and attention.

Rates of toll.

3. *And be it enacted*, That the said Henry Geise, his heirs and assigns, as a remuneration for keeping up and in good repair the said landings and ferry as aforesaid, shall receive such tolls for transporting persons and property as before mentioned as may be prescribed by the board of chosen freeholders of the said county of Warren, and shall be allowed the privilege to extend a rope or wire across the river if they deem it advisable to facilitate crossing; *provided*, that the rope or wire shall not be so extended as to interfere with or obstruct the ascending or descending navigation of said river.

Proviso.

Penalty for violating provisions of act.

4. *And be it enacted*, That all other persons are hereby prohibited from using the said river for the purpose of a ferry within the distance of a half mile above and a half mile below the said ferry; and any person or persons violating the provisions of this act shall forfeit and pay to the said Henry Geise, his heirs and assigns, the sum of fifty cents penalty for every traveler, team, every head of cattle, horse, or carriage

carried over the said river within the above-named bounds; *provided*, that nothing in this act shall be construed to prevent ^{Proviso.} persons owning the shore within the said limits from crossing themselves and their property.

Approved March 6, 1856.

CHAPTER LXX.

AN ACT relative to the mode of working roads in the townships of Ocean and Manalapan, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Ocean and Manalapan, in the county of Monmouth, be empowered and authorized to change at their annual town meeting the mode of working the common highways in said townships, in such manner as a majority of the voters attending may determine, any law heretofore passed on that subject notwithstanding.

Mode of
working
roads chang-
ed.

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

Approved March 6, 1856.

CHAPTER LXXI.

AN ACT relative to the election of overseers of the highways in the township of Blairstown, in the county of Warren, and the townships of New Providence and Union, in the county of Essex.

Mode of
electing
overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of each road district in the township of Blairstown, in the county of Warren, and the townships of New Providence and Union, in the county of Essex, be and they are hereby authorized to elect overseers of the highways for said districts.

Annual elec-
tion.

2. *And be it enacted*, That such election shall be held in each district on the Saturday next preceding the second Monday in April annually, at such time and place and upon such notice as shall be determined upon at the previous annual meeting in each road district respectively, and it shall be the duty of the town clerk of the said township to give the notice so determined upon as aforesaid.

First elec-
tion.

3. *And be it enacted*, That the first election shall be held on the Saturday preceding the second Monday of April next, at such time and place as shall be designated by the town clerks of said townships, notice whereof shall be given by an advertisement for five days previous thereto in some public place in each district.

Overseers to
be elected
under this
law.

4. *And be it enacted*, That no overseer or overseers shall be elected in said townships except under the authority of this law.

Approved March 6, 1856.

CAPTER LX XII.

A SUPPLEMENT to the act entitled "An act to incorporate the New Jersey Historical Society."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no state, county, city, ward, township or other public assessments, taxes or charges whatsoever, shall at any time be levied or imposed upon the said society, or upon the stocks, estates, lands or tenements which have become or may become vested in them by virtue of the act by which they were incorporated, so long as said society shall appropriate and use the whole of their income to promote the objects set forth in the said act of incorporation; *provided always*, that the yearly income of the said real or personal estate, or both, do not at any one time exceed the sum of five thousand dollars.

No taxes to be levied on property.

Proviso.

Approved March 6, 1856.

CHAPTER LXXIII.

A FURTHER SUPPLEMENT to an act entitled "An act constituting courts for the trial of small causes," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of appeal from a judgment rendered in any court for the trial of small causes, any judge of the court of common pleas to which said appeal shall be taken, upon filing with such judge a sufficient appeal bond, or upon satisfactory proof to such judge that a legal and suffi-

Stay of execution may be ordered in vacation.

cient appeal bond has been filed before the justice from whose judgment such appeal is taken, and other requirements of the law complied with, shall have power in vacation to order a stay of the execution which may have been issued by the justice, until the said court of common pleas shall make some further order thereon, a rule to which effect shall be entered in the minutes of the said court, and a copy thereof certified by the clerk, shall be served on the constable in whose hands the execution may be.

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

Approved March 6, 1856.

CHAPTER LXXIV.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Paterson," approved March nineteenth, in the year of our Lord one thousand eight hundred and fifty-one.

Board of education incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That there shall be elected in each of the wards of said city, at the charter election yearly and every year, three school commissioners, who shall be residents of their respective wards and entitled to vote therein, and who shall enter upon the duties of their office on the first Monday after their election, and continue therein one year, and until their successors are elected in their stead; and the said school commissioners; and their successors, shall be and they are hereby incorporated by the name of "the Board of Education of the city of Paterson," and shall be vested with all the

powers and privileges appertaining to corporate bodies, necessary to carry into effect the provisions of this act.

2. *And be it enacted*, That the school committeemen of the several wards of the city of Paterson shall, on or before the twentieth day of March next, convey and transfer to "the mayor and aldermen of the city of Paterson," all their respective corporate property, both real and personal; and the said "the mayor and aldermen of the city of Paterson," shall thereupon assume and become liable to pay all the just corporate debts and liabilities of the said school committeemen respectively; and the said "the mayor and aldermen of the city of Paterson," shall provide for the payment of said debt, and of such other debts and liabilities as may hereinafter be incurred by said city for real or personal property to be used for school purposes, by issuing bonds to secure the payment thereof, with interest not exceeding seven per centum per annum, under the common seal, and signed by the mayor of said city; *provided*, that said bonds shall be redeemable at a period of time not more than twenty-five years from the issuing thereof; *and provided further*, that the whole indebtedness of said city for school purposes, whether by bond or otherwise, shall not at any time exceed the sum of fifty thousand dollars.

Mayor and aldermen may issue bonds.

Proviso.

Proviso.

3. *And be it enacted*, That the mayor and aldermen of said city shall yearly and every year until the said bonds shall be wholly redeemed and paid off, order and cause to be assessed and collected by tax at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on said bonds, as the same falls due, and to pay and discharge the principal by the time the same shall be payable; and all such moneys so to be raised are hereby inviolably pledged to pay the interest and principal of said bonds.

Assessment to be made for interest of bonds.

4. *And be it enacted*, That the said board of education shall meet in said city within ten days after the charter election in each and every year, and shall appoint a secretary from their own number, and shall elect by ballot a resident of said city, who is entitled to vote therein, to be superintendent of public schools, who shall be president of said board, and who shall be the executive officer of said board, but shall have no vote there-

Officers of board of education.

in, and who shall continue in office for one year and until his successor shall be elected, unless sooner removed by said board; and the said board of education and the said superintendent subject to their direction, shall have the control, regulation and management of the public schools of said city; and it shall be their further duty to visit every public school in said city at least once in every quarter, to advise and consult with the teachers, and cause the results of such visits to be entered in a book to be kept for that purpose by said board; and the said superintendent shall make a report in writing, and transmit the same to the state superintendent of public schools, on or before the fifteenth day of December in each year, of the state and condition of the public schools in said city, the number of scholars taught therein, the length of time the schools are kept open during the year, and such other matters as may be by law required of him; and for his services he shall be entitled to receive one dollar for every day actually employed in the duties of his office, to be paid in the same manner as the other expenses of said schools shall be paid.

Proceedings
to be pub-
lished.

5. *And be it enacted*, That the secretary of said board shall keep a record of their proceedings, which from time to time shall be published in one or more of the newspapers of said city; and all questions involving the payment of money or creating any liability therefor shall be taken by yeas and nays, which shall also be recorded by the secretary.

Quota of
school fund.

6. *And be it enacted*, That the said city shall be entitled to a full quota of the moneys appropriated by the trustees of the school fund to the county of Passaic, which when received shall be deposited with the city treasurer to the credit of the board of education.

Money to be
raised for
school pur-
poses.

7. *And be it enacted*, That the said mayor and aldermen shall on or before the first day of May yearly and every year, in addition to the sum to be raised for the payment of the debt and interest incurred for school purposes, appropriate from the city treasury a sum of money sufficient for the purpose of organizing and maintaining the public schools of said city, which sum in the aggregate shall not exceed ten dollars nor be less than seven dollars per scholar on the average number reported by the board of education as attending the

public schools the preceeding year; and after determining the sum of money to be so appropriated, they shall deduct therefrom the amount received or to be received from the school fund of the state for the current year; and the balance shall be raised by a tax, which shall be assessed and collected in the same manner and time that the other taxes of said city are assessed and collected; and whenever the mayor and aldermen shall have made the appropriation aforesaid, it shall be the duty of the city treasurer to place said sum to the credit of the board of education of the city of Paterson, and the said treasurer shall pay on presentation all drafts drawn upon him by order of said board, duly attested by the signatures of the president and secretary, which draft shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the same, and endorsed by said person, to an amount not exceeding the balance remaining on his books to the credit of said board; and shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as treasurer of the city of Paterson.

8. *And be it enacted*, That a majority of the whole number of school commissioners shall constitute a quorum for the transaction of business; and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole number of school commissioners; the said board of education shall prepare and transmit to "the mayor and aldermen of the city of Paterson," at least fifteen days before the charter election in each year, an inventory of all the property real and personal in their possession, used in said city for school purposes, and a report in writing embracing the number of schools under their charge, specifying their grades, the number of teachers employed therein, the number of pupils on the roll, and the average attendance in each school, and the several items or bills of expenditure paid by said board during the year, under the respective heads of erections and repairs of school houses, the cost of school furniture, salaries of teachers, cost of school books and stationery, fuel and incidental expenses, together with such general remarks in regard to the progress and management of the schools as the said board may deem advisable; and the said board shall also

Duties of
board of edu-
cation.

at the same time prepare and transmit an estimate of the amount of moneys necessary for the support of public schools in said city for the ensuing year, which estimate shall be based upon the expenditure of the past year, and which shall particularly specify the sum required under the several heads as above stated, which report the mayor and aldermen of the city of Paterson shall cause to be published in two or more of the public newspapers printed in said city, within ten days after receiving the same; and that the said board of education shall have the charge, possession, control and management of all the property, real and personal, used in said city for school purposes, and shall cause all necessary repairs to be made to the same; and are hereby empowered to organize and establish in said city such public schools as the public convenience may require, and to have the control and management thereof, and to select and employ teachers duly licensed by the board of examiners of said city, and such other officers as may be necessary; and to provide school furniture, books, stationery and fuel, and incur such incidental expenses for the maintenance of said public schools as may be necessary; *provided*, that the said board shall at no time incur any liability exceeding the amount appropriated by the mayor and aldermen of said city for school purposes; and to admit to said public schools under such rules and regulations as said board may adopt, any child from the age of five to eighteen years inclusive, whose parents or guardians reside in said city, and at their discretion may admit such other children as are under the charge and control of a resident of said city; and to make and enforce such by-laws and regulations for the government of said board and the public schools of said city, as to secure and promote an economical and efficient system of public education; to appoint two citizens of said city to constitute with the said superintendent a board of examiners for teachers in said city; to fill any vacancy in board of education occasioned by death, resignation, removal out of the ward, or other disability, by appointing a person to fill the unexpired term who shall be a resident of the ward for which the appointment may be made, and entitled to vote therein; and the said board may declare vacant the office of any school commissioner elected or ap-

Proviso.

pointed aforesaid, who shall refuse or neglect to attend any three successive stated meetings of the board, after having been personally notified to attend, and giving no satisfactory reason for his non-attendance.

9. *And be it enacted*, That the board of examiners shall meet at such time and place as they shall appoint, to examine and license by certificate, under their hands and seals, suitable persons as teachers of public schools in said city, having regard always to scholarship and moral character, which certificate shall specify in what capacity the person so licensed is qualified to teach, and shall be evidence thereof, and which license may be revoked at pleasure.

Meetings of
board of ex-
aminers.

10. *And be it enacted*, That whenever the said board shall determine to establish a school or schools in said city, they shall procure a school house by hiring the same, or (with the assent of the mayor and aldermen of said city) by purchasing a site and erecting necessary buildings thereon, according to plans and specifications which shall be laid before the said mayor and aldermen and approved by them, the erection of which buildings, and the furnishing and fitting up thereof, and the altering, furnishing and fitting up of any hired or other building shall be done by contract, proposals for which shall be advertised in two of the newspapers of said city for at least two weeks previous to deciding thereon, unless such altering, furnishing and fitting up shall not exceed the sum of two hundred dollars; and in all cases such contract shall be awarded to any responsible person proposing the lowest bid who shall give satisfactory security to the said board for the due and faithful performance thereof; said board reserving the right to reject all such bids, and re-advertise for new proposals; and whenever any contract shall be made for purchasing a site for a public school in said city, or for erecting, altering, furnishing or fitting up any building for school purposes, it shall be the duty of said board of education to lay before the mayor and aldermen of said city such contract, or a copy thereof, together with a statement showing in detail the amount of money to be paid by the city under such contract; and it shall be the duty of the said mayor and aldermen to appropriate from time to time such sum or sums of money as

School
houses may
be hired or
built.

may be required by the board of education for the purpose of performing such contract; and all sums of money so appropriated shall be subject to the draft of said board, and said board may, with the assent of the mayor and aldermen, sell or exchange if necessary any public school property in said city.

Proposals for stationery to be advertised

11. *And be it enacted*, That all supplies of books, stationery and fuel required for the public schools of said city, shall be obtained by contract, proposals for which shall be advertised as provided in the preceding section of this act, and the said board shall in all cases award the contract for any article or articles to any responsible party proposing the lowest price for the same, who will give satisfactory security to said board; *provided*, that the board of education may at their discretion require the pupils to furnish their own books and stationery.

Proviso.

Title to property, how vested.

12. *And be it enacted*, That the title to all school property, real and personal, purchased with any money derived from the school fund, or raised by taxation or otherwise in said city, shall be vested in "the mayor and aldermen of the city of Paterson," and they shall keep all the public school property in said city insured in some solvent insurance company or companies.

Actions to be brought in the name of the board of education.

13. *And be it enacted*, That all actions or other proceedings brought or to be brought in any court of law or equity against any person or persons, or body corporate, for damages for and on account of any injury to any property, real or personal, under the charge, control and management of the board of education, shall be in the name of "the board of education of the city of Paterson," notwithstanding that the legal title to said property may be vested in "the mayor and aldermen of the city of Paterson;" and all damages which may be recovered in such actions or proceedings shall be appropriated by the said board to the support of public schools in said city.

Duties of board to be discharged by committeemen until April.

14. *And be it enacted*, That until the third Monday in April next the school committeemen of the several wards of said city, and the superintendent now in office, shall be and they are hereby authorized and required to discharge all the duties of the said board of education and superintendent, required by the provisions of this act.

15. *And be it enacted*, That all parts of the act entitled "A further supplement to an act entitled 'An act to incorporate the city of Paterson,'" approved March ninth, eighteen hundred and fifty-four, and of an act entitled "A further supplement to the act entitled 'An act to incorporate the city of Paterson,'" approved March seventeenth, eighteen hundred and fifty-five, inconsistent with the provisions of this act are hereby repealed. Part of former act repealed.

16. *And be it enacted*, That this act, except the fifteenth section thereof, shall take effect immediately, and the said fifteenth section shall take effect on the second Monday in April next. Act when to take effect.

Approved March 6, 1856.

CHAPTER LXXV.

A FURTHER SUPPLEMENT to an act entitled "An act for the preservation of clams and oysters," approved the fourteenth day of April, eighteen hundred and forty-six.

WHEREAS, there exist natural oyster banks or beds in the water at the mouth of Mullica river, which divides Burlington and Atlantic counties, in this state, and in other waters of said counties; and whereas, it is the practice of certain persons residing in and out of this state, to sell and buy oysters taken from said natural banks or beds in said waters, by other measure than the standard bushel of this state, to the great injury of residents of said counties who are engaged in lawful traffic in said oysters, and to the damage of said oyster beds or banks—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any per- Standard bushel to be used.

son or persons to buy or sell oysters taken from the natural banks or beds mentioned in the foregoing preamble by any other measure than the standard bushel of this state, tried, proved and sealed as required by the statute entitled "An act to establish a uniform standard of weights and measures in this state," approved April seventeenth, eighteen hundred and forty-six.

Penalty for
violating
provisions of
act.

2. *And be it enacted*, That any person or persons violating the provisions of this act shall forfeit and pay for every offence a sum not less than twenty dollars, one-half to go to the prosecutor, and one-half to the poor of the township in which said offence may be committed, to be recovered by action of debt, in any court having cognizance of the same.

Action, how
brought.

3. *And be it enacted*, That it shall be lawful to proceed in any action under this act, by summons or warrant, at the option of the plaintiff.

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

Approved March 6, 1856.

CHAPTER LXXVI.

A FURTHER SUPPLEMENT to an act to incorporate the Camden and Atlantic Turnpike Company, approved March twenty-fifth, eighteen hundred and fifty-two.

Commission-
ers to receive
subscriptions.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That so much of the first section of the said act as appoints Jacob L. Rowand, Samuel Richards, Jacob Leech, Samuel Norcross, Joseph Porter, John C. Shreeve, Andrew K. Hay, William Moore, Philip Emmel

James Baker, William Norcross, John P. Walker, David E. Estell, William Coffin, Hosea Joslin and Richard L. Somers commissioners under said act, be and the same is hereby repealed, and that Samuel Githens, John K. Roberts, Daniel W. Lippincott, Joseph Kay, Nixon Davis, Joseph Hays, Charles Wright, Samuel S. Cake, Ezra Stokes, John Wright, James McLain, William R. Johnston, Ephraim Tomlinson and Charles Norcross, be and the same are hereby appointed commissioners, and invested with all the rights and powers conferred by said act on the original commissioners.

2. *And be it enacted*, That nothing contained in the third section of the act to which this is a supplement shall in any wise impair the full right of the said commissioners to open books of subscription to said stock, and to make a turnpike road from Haddonfield to Long-a-coming and Winslow, or to either of said places, with all the power and privileges of said act as fully as if the said third section had not passed.

Commissioners empowered to make road &c.

Approved March 6, 1856.

CHAPTER LXXVII.

A FURTHER SUPPLEMENT to the act entitled "An act respecting the orphans' court and the power and authority of surrogates."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every executor, administrator, guardian or trustee under a will, to state and settle his account in the surrogate's office of the proper county within one year after his appointment, or at the first regular term of the orphans' court after the expiration of said year, unless the court, for good cause shown, allow further time therefor;

Settlement of accounts of executors &c

and in case of failure to make such settlement within the time so limited, or so allowed by the court, any person or persons interested in the estate, or any other person, as the next friend of any infant or infants interested, may cite such executor, administrator, guardian or trustee to make such settlement at the ensuing term of the court; and if he fail to state and settle his account according to such citation, the costs of such citation and of the proceedings thereon shall be paid by such executor, administrator, guardian or trustee out of his own private estate, unless the court, for good cause shown, shall order otherwise; and the court may, if it shall appear that the executor, administrator, guardian or trustee has wilfully delayed the settlement of his account, revoke the letters testamentary of administration or guardianship, or the power and authority of such trustee, and remove such executor, administrator, guardian or trustee from office, and appoint some suitable person in his place, which person so appointed shall, before he enters upon the duties of his appointment, give bond to the ordinary, with two or more sufficient sureties, and in such sum as the court may direct, conditioned for the faithful execution of the trust reposed, and shall then have all the power of the person so removed; and the person so removed shall not be entitled to any commissions or compensation for his past services; *provided*, that nothing herein contained shall make it the duty of any executor or administrator, who is or may be entitled to all the personal estate of the testator or intestate, after payment of debts, to settle his accounts in the surrogate's office of the county, unless required to do so by some person interested in said estate; nor shall it be the duty of any guardian or trustee to settle an account, who shall file with the surrogate of the proper county a release or discharge from his ward or *cestui que* trust, of full age, or if married, from such ward or *cestui que* trust together with her husband, duly executed and acknowledged as deeds for land are by law executed and acknowledged.

Proviso.

Copies of releases to be evidence.

2. *And be it enacted*, That copies of the releases or discharges mentioned in the preceding section, duly certified by the surrogate under his seal of office, shall be received as evidence in all courts of this state.

3. *And be it enacted*, That no account of any executor, administrator, guardian or trustee shall be audited or stated by the surrogate, or allowed by the orphans' court, unless such executor, administrator, guardian or trustee shall first give at least two months' notice of such settlement by advertisements set up in five of the most public places of the county in which such settlement is to be made, one whereof shall be set up in the surrogate's office of said county, and also by publishing the same in one or more newspapers published in such county for the same length of time, and due proof of such advertising be made and filed with the surrogate; *provided*, Notice to be given of settlement of accounts. that in case no newspaper be published in the county, then instead of advertising such notice in the newspaper, the said executor, administrator, guardian or trustee shall give notice by setting up advertisements in ten of the most public places in said county for the like space of time, two of which places shall be the clerk's and surrogate's offices of said county. Proviso.

4. *And be it enacted*, That sufficient bonds, with two or more able sureties, to the ordinary of the state, with like penalty and conditions as in other cases of administrator's bonds, shall be required of all husbands to whom administration shall be granted of the goods, chattels and credits of their deceased wives. Administrators of deceased wives to give bond.

5. *And be it enacted*, That the commissions of executors and administrators on all sums that come into their hands under five hundred dollars, shall be determined by the orphans' court, according to the actual services rendered. Commissions of executors &c.

6. *And be it enacted*, That the sixth and eighth sections of the act entitled "A further supplement to the act entitled 'An act respecting the orphans' court, and the power and authority of surrogates,'" approved March seventeenth, eighteen hundred and fifty-five, and all other acts contrary to the provisions herein contained, be and the same are hereby repealed. Part of former act repealed.

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

Approved March 6, 1856.

CHAPTER LXXVIII.

AN ACT to regulate the price of public printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the prices of public printing executed in pursuance of any order by the senate and general assembly of this state, or by virtue of any appointment by the legislature, shall be as follows, viz.:

Laws.

For printing the laws enacted at each session of the legislature, the same to be executed in royal octavo form, on good paper, worth at least fifteen cents per pound, upon small pica type, and in other respects conformable to the directions of the act approved April sixteenth, eighteen hundred and forty-six, for three thousand copies, the sum of fifty dollars per sheet of sixteen pages.

Law and
chancery re-
ports.

For printing the law and chancery reports, per sheet of sixteen pages, upon paper worth at least fifteen cents per pound, for sixteen hundred copies, upon small pica type, the sum of thirty-five dollars per sheet.

Journal and
minutes.

For printing the journal of the senate and minutes of the general assembly, per sheet of sixteen pages, to correspond with the type used and the size of the page with those heretofore printed, upon paper worth at least twelve cents per pound, for one thousand copies, the sum of twenty-one dollars per sheet.

Public bills.

For printing the public bills ordered by either branch of the legislature at the rate of four dollars and fifty cents per sheet, for one hundred and thirty copies, the same to be printed on good foolscap paper, with pica type, and each page to contain thirty-one lines.

Pamphlets.

For pamphlets and other papers ordered by the legislature, at the rate of sixty-five cents per thousand ems for composition, and sixty-five cents per token of two hundred and fifty sheets for presswork, to be executed upon paper worth at least fifteen cents per pound, in addition to the regular rates for folding, stitching and covering the same; *provided*, that in all cases where rule and figure work is required, the prices for composition shall be double the rates above stated.

Proviso.

2. *And be it enacted*, That all public printing heretofore ordered, and not yet executed, if printed in conformity to the directions of this act, shall be paid for in accordance with the prices hereby fixed. Public printing heretofore ordered.

3. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed. Parts of former acts repealed.

4. *And be it enacted*, That the printer who now is or hereafter may be appointed to print the laws and proceedings of the legislature of this state shall within four months after he shall receive the copies thereof, deliver to the treasurer of this state as many copies of the said laws and proceedings of the legislature, for the time being, as shall be directed by law. Laws to be delivered within certain time.

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

Approved March 6, 1856.

CHAPTER LXXIX.

AN ACT to authorize the erection of a bridge over Cooper's Creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Camden, as soon as conveniently may be after the passage of this act, to construct a good and sufficient bridge over Cooper's creek, in said county, at the point and immediately opposite where the street called and known as "State street," in the city of Camden, (as the same is laid out in the plan of said city,) strikes said creek; *provided*, that said bridge shall be built with a draw or swing Freeholders authorized to build bridge. Proviso. of at least forty feet in width, for the free passage of such

vessels as shall pass up and down said creek, and the said draw shall be constructed with piles and piers on each side, and in the center as near as may be, where the channel of said creek runs; and for the safety of navigators, a light shall be kept and maintained at said draw during every night, and the county shall keep or cause to be kept at the said bridge a careful person or persons to open the said draw for the free passage of vessels, and for every willful neglect in opening said draw, when necessary for the passage of such vessels, the county shall forfeit the sum of twenty-five dollars, to be recovered by action of debt before any court of competent jurisdiction, and shall also be liable to an action for damages at the suit of the party aggrieved; and that the under surface of said bridge shall be elevated at least nine feet above ordinary high water in said creek; and it shall in other respects be so constructed as to impair as little as practicable the navigation of said creek.

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

Approved March 6, 1856.

CHAPTER LXXX.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Newark."

Boundaries
of eleventh
ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark beginning in the middle of the Morris canal, at a point in the division line between the city of Newark and the township of Belleville, thence running southwardly along the middle of the Morris canal, to a point in the middle of Sussex

avenue; thence westwardly along the middle of Sussex avenue to a point in the middle of First street; thence southwardly along the middle of First street to a point in the middle of the road leading to Orange, formerly known as the old Crane road; thence northwestwardly along the middle of said Crane road to a point opposite the middle of a road or drift-way known as the old parsonage drift-way; thence along the middle of said road or drift-way the several courses thereof to a point in the middle of Littleton avenue; thence southerly along the middle of Littleton avenue to a point in the middle of South Orange avenue; thence westwardly along the middle of South Orange avenue to the division line between the city of Newark and the township of Orange; thence along the division line between the city of Newark and the townships of Orange, Bloomfield and Belleville, according to the several courses thereof, to the place of beginning, shall be and the same is hereby erected and constituted a separate ward, to be called the eleventh ward of the said city.

2. *And be it enacted*, That the inhabitants of the said ward by this act created shall be vested with and entitled to all the rights, powers, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city are or may be entitled or subject.

Rights,
powers and
privileges of
inhabitants.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted on the second Tuesday in October in every year hereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as prescribed in the fifth section of the act to which this is a supplement; at which two aldermen, (except as is hereinafter provided,) one assessor, one collector, one judge of election, two inspectors of election, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two commissioners of public schools, (except as is hereinafter provided,) and three constables, to be chosen in the said ward hereby created, from among the citizens residing therein and entitled to vote at such election; and the common council shall appoint a judge and two inspectors of election, and one person to be clerk of

Election of
ward officers

such board of election in the said ward hereby created, under whose direction the first elections in said ward, to be held on the second Tuesday of October next, for the election of city and ward officers, shall be conducted; and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the tenth section of the act to which this is a supplement shall apply and be extended to the judges and clerk of the board for the first election to be held under this act, and the person appointed clerk of such board shall procure an election box for said ward in like manner as therein prescribed; and the term of office of such officers as shall be elected under this section shall commence on the first Tuesday after the first day of January in each and every year.

Members of
council to be
divided into
classes.

4. *And be it enacted*, That at the first or a subsequent meeting of the common council after the first Tuesday after the first day of January next, the members elected for the ward hereby created shall be divided into two classes, one alderman of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in October, in the year eighteen hundred and fifty-seven, and every year thereafter, the said ward hereby constituted shall elect one person as alderman of said ward, who shall hold such office for two years; and in case of the death, resignation or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

Commission-
ers of public
schools.

5. *And be it enacted*, That at the first or a subsequent meeting of the board of education after the first Tuesday after the first day of January next, the commissioners of public schools elected for the said ward hereby created shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and from and after the first Tuesday after the first day of January next all the provisions of an act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, and of an act entitled "An act to incorporate the board of educa-

tion of the city of Newark," approved February third, eighteen hundred and fifty three, shall be construed to extend and apply to the said ward hereby created, in like manner and to the same extent as to the other wards of the city of Newark.

6. *And be it enacted*, That there shall be in the said ward hereby created one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term, and have the like power and authority as the other special police justices in and for the said city. Special police justice.

7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January next, to appoint one special police justice in the said ward, who shall enter on the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall before that period take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said ward, and the due conducting of the first election under this act; and the clerk of the board for such election shall also provide in due season before the said second Tuesday of October next, a proper election box for the use of said ward, as is hereinbefore directed. Act when to take effect.

8. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, eighteen hundred and fifty-six, for members of the general assembly and other officers to be chosen at said election, the said ward hereby created is declared to be constituted and to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place, and be conducted by the same officers in the said ward as shall be appointed by the common council for the ward election to be holden on the second Tuesday of October next; and the officers of election of the said ward (unless disqualified by law, or refusing or neglecting to serve, in which case any vacancy Mode of conducting elections.

or vacancies may be filled according to law), shall perform all the duties which devolve upon them respectively in like manner as the officers of election of the other wards of the city of Newark are by law required to do.

Ward annexed to fifth assembly district.

9. *And be it enacted*, That the said eleventh ward hereby created shall be annexed to the fifth assembly district of the county of Essex.

Approved March 6, 1856.

CHAPTER LXXXI.

AN ACT to authorize the city council of Elizabeth to borrow ten thousand dollars for the purpose of building a public school-house.

City council authorized 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 city council of the city of Elizabeth, to borrow the sum of ten thousand dollars, in addition to the loans now authorized by the charter of said city, for the purpose of building a public school-house, in the second ward of the said city.

May issue bonds.

2. *And be it enacted*, That the said city council may issue the bonds of the said city to secure the payment of the said loan of ten thousand dollars, with interest; and the money arising thereon shall be applied by "the board of commissioners of schools of the city of Elizabeth," in erecting, completing and furnishing a public school-house in the second ward of said city, pursuant to the provisions of the charter of said city; *provided, however*, that the interest, and at least one thousand dollars of the principal, shall be paid on the said loan yearly, from the moneys appropriated by the city council for the support of

Proviso.

public schools in said city; so that the whole of the principal and interest of said loan shall be paid off in ten years.

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

Approved March 7, 1856.

CHAPTER LXXXII.

A SUPPLEMENT to an act entitled, "An act to enable the owners and possessors of the meadows, low lands and swamps lying upon or adjoining the Assanpink creek, in the counties of Hunterdon, Burlington and Middlesex, to clear out and straighten the said creek within the limits therein named," passed March first, eighteen hundred and thirty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb Coleman, Jonathan Fuller, and Lewis E. Hutchinson, shall be and they are hereby appointed managers for the opening and clearing out and straightening of the Assanpink creek, from the mill tail-race of James H. Hutchinson, in the line between the townships of Hamilton and Lawrence, in the county of Mercer, down said creek, the natural course thereof, to the pond of Whitehead's mill, and shall continue managers until their successors in office are appointed; and it shall and may be lawful for the said managers, or either of them, to enter into and upon the meadows, low lands and swamps, lying upon said creek, within the limits aforesaid, with all necessary workmen and implements, to open, widen, clear out, straighten and remove every

Managers for clearing out creek.

obstruction (division swinging pole fencing across the said creek excepted) to the free passage of the water within the limits aforesaid, and of sufficient width, and depth for the same; and the mud, sand and other obstructions taken out of said creek equally to cast out upon the meadows, swamps and low lands next adjacent.

Assessment
to be made
for expenses.

2. *And be it enacted*, That the said managers, or a majority of them, shall and may apportion the amount that each respective owner or possessor of said meadows, swamps and low lands lying upon said creek, within the limits aforesaid, shall pay for each and every of the expenses which may accrue in opening, clearing out and straightening said creek, and in carrying this law into effect; and shall and may demand and receive of all and every of the owners and possessors of said meadows, swamps and low lands, such sum or sums of money so by them assessed; and on neglect or refusal of the payment thereof for the space of sixty days after such demand, it shall and may be lawful for the said managers, or either of them, and they are hereby empowered by action of debt to sue for and recover the same, with costs of suit, in any court having cognizance thereof; all which sum or sums of money so assessed and received shall be applied by the managers to the purposes in this act before mentioned.

Penalty for
obstructing
course of
water.

3. *And be it enacted*, That if any person or persons whatsoever, after the passage of this act, shall wilfully fall any tree, or cast or put anything whatsoever in said creek that will in any way obstruct or be an impediment to the free course of the water in said creek, within the limits aforesaid, he, she or they so offending shall pay the sum of ten dollars for each and every offence, to be recovered by any one of the said owners or possessors of the said meadows, swamps and low lands, in an action of debt, with costs of suit, in any court having cognizance of the same, one-half to the prosecutor and the other half to be paid over to the managers above mentioned, or either of them, to be appropriated towards the clearing out of said creek.

Compensation
to managers.

4. *And be it enacted*, That the said managers shall severally be entitled to receive for each and every day that he or they

may be employed in discharging the duties required by this act, the sum of one dollar.

Approved March 7, 1856.

CHAPTER LXXXIII.

A SUPPLEMENT to "An act relative to commissioners for taking the acknowledgment and proof of deeds," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, by and with the consent of the senate, be and he is hereby authorized, to name, appoint and commission an additional commissioner for New Jersey, resident at Newburgh, in the state of New York, with the same powers and authority given to the other commissioners resident in New York by the act to which this is a supplement.

Additional
commission-
er for New
York.

Approved March 7, 1856.

CHAPTER LXXXIV.

A SUPPLEMENT to an act entitled, "An act to secure to creditors an equal and just division of the estate of debtors who convey to assignees for the benefit of creditors," approved April sixteenth, eighteen hundred and forty-six.

Time may be
extended if
notice is not
given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the assignee or assignees mentioned in the act to which this is a supplement, shall have failed to give the notice prescribed by the fifth section of said act, it shall be lawful for the orphans' court, or any two judges thereof, by their order, to extend the time limited in the fifth and eleventh sections of said act not exceeding six months from the date of the assignment, and the said order shall have the same effect as if the time limited therein had been fixed by said act.

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

Approved March 7, 1856.

CHAPTER LXXXV.

AN ACT to incorporate the Princeton Mutual Fire Insurance Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George T. Olmsted, Thomas Laverder, Simon Van Dyke, James Vandeventer, Isaac Baker, Elisha Jewell, Abner B. Tomlinson, John Conover, Joseph H. Bruere, Henry D. Johnson, Joseph Olden, Job G. Olden,

S. Alexander Hamilton, and Cornelius S. Stryker and others, their associates, successors and assigns, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Princeton Mutual Fire Insurance Company," the office thereof to be located in the borough of Princeton, and by that name they and their successors shall and may have succession during the continuance of this act, 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 they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the name of the Princeton Mutual Fire Insurance Company, shall be in law capable of purchasing, possessing and enjoying, to them and to their successors, lands, tenements hereditaments, goods, chattels and effects of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company.

General powers.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to insure dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire; and generally to insure against all losses pertaining to fire.

Corporation may insure property.

3. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by fourteen directors, all of whom shall be citizens of this state, to be chosen by ballot by and from among the members, to hold their office for one year, and until others are chosen to fill their places; and the election for directors shall be held on the second Monday in March in every year, between the hours of ten in the forenoon and three in the afternoon, in Princeton aforesaid, at the office of the company, or at such other place therein as the majority of directors for the time being shall appoint; of which election the secretary shall give public notice in the newspapers printed in the borough of Princeton, at least two weeks immediately preceding such election; and if any of the said directors shall die, or refuse to serve or neglect to act

Election of directors.

in said office for the space of six 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, 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; and until an election for directors shall be held according to the provisions of this section, the following persons shall be directors, namely: George T. Olmsted, Thomas Lavender, Simon Van Dyke, James Vandeventer, Isaac Baker, Elisha Jewell, Abner B. Tomlinson, John Conover, Joseph H. Bruere, Henry D. Johnson, Joseph Olden, Job G. Olden, S. Alexander Hamilton and Cornelius S. Stryker.

Election of
president.

4. *And be it enacted*, That the directors herein before mentioned shall as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act shall as soon as convenient after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of Princeton aforesaid, and shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve of the president, such vacancy may be filled for the remainder of the term by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the by-laws of said company may provide; *provided*, that the president of the company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

Proviso.

Duties of
directors.

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching all such other matters as appertain to the business, ends and purposes which the corporation by this act is entitled to; and also shall have power to appoint a

secretary, surveyor or surveyors, and such additional officers, clerks and servants for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States and of this state. Proviso.

6. *And be it enacted*, That it shall not be lawful for the president or a director of any other insurance company engaged in insuring houses, stores and personal property against loss or damage by fire, to be president or director of the company incorporated by this act. Officers of other companies not to be officers of this.

7. *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 approved promissory note for such a sum of money as shall be determined by the directors to be the premium for said insurance, twenty-five per centum of which said note shall be immediately paid, and the remainder of 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 incidental 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, to be secured by mortgage on unincumbered real estate in the counties of Mercer, Middlesex or Somerset, of double the amount loaned, or invest the same in stocks of the United States. Persons insuring to deposit note.

8. *And be it enacted*, That from and after the passing of this act, no person shall be admitted as a member and entitled to all the benefits and privileges of the said corporation, unless he or she shall first pay or cause to be paid to the secretary thereof the same amount of premium, with the interest ac- Persons hereafter admitted to pay premium.

Proviso.

crued thereon, as is already paid to the said corporation by the first insured members thereof; *provided*, that after the term of ten years, and if so ordered by the members of the corporation, the directors may make such by-laws as will confine the benefits of the mutual principle of insurance to those who are thus insured in said company, and that others may effect insurance in said company on paying such premium or premiums as shall be agreed on between the company and the insured.

Suits may be brought for deposit notes.

9. *And be it enacted*, That suits in law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company is duly notified of such losses; and no member of the company, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness in any such cause on account of his being a member of said company.

Duties of secretary.

10. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board from time to time by their by-laws may direct.

Policies of insurance.

11. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act shall be made upon such terms and conditions, and for such periods of time, and confined to such place as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of the said corporation.

In cases of alienation of property insured.

12. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such sur-

render the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposit or premium note or notes as shall remain unpaid; and by such ratification and confirmation such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued was entitled and subjected.

13. *And be it enacted*, That no transfer of any policy of insurance of the said company shall be valid unless entered in the books of the said company, and certified on such policy by the secretary, and every assignee of any policy may sue on such policy in the name of such assignee. Transfers to be registered

14. *And be it enacted*, That no policy shall be issued by the said company until applications shall have been made for insurance to the amount of forty thousand dollars. When company may issue policies.

15. *And be it enacted*, That no part of the funds of the company shall be used for banking, or for any other purpose not indicated by this act. Not to engage in banking.

16. *And be it enacted*, That each director and secretary shall, before he enters on the duties of his office, take the following oath or affirmation (as the case may be): I ——— do swear (or affirm) that I will faithfully execute the duties of ——— agreeably to the provisions of this act and the trust reposed in me, to the best of my skill and understanding. Officers to take oath.

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

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

Approved March 10, 1856.

CHAPTER LXXXVI.

AN ACT to incorporate "The Elizabethport Cordage Manufacturing Company."

Names of
corporators.

General
powers.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James C. Fairbank, John H. Rolston, John O. Sterns, John J. Chetwood and James W. Angus, and the survivors of them, their associates, successors and assigns, shall be and they are hereby incorporated and made a body corporate, in fact and in law, by the name of "The Elizabethport Cordage Manufacturing Company," for the purpose of manufacturing hemp, flax, manilla, cordage, ropes, twine and standing and running rigging, and other like materials and articles, and carrying on the business incident to such manufacture in the city of Elizabeth, in the county of Essex; and by that name they and their successors shall be and they are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, in their corporate name, shall be and they are hereby made capable in law to purchase, have, hold and enjoy such lands and tenements, goods, chattels and personal estate as may be necessary and useful for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge and dispose of and to have, enjoy and exercise all the rights, powers and privileges pertaining to bodies corporate, and necessary or proper for the purposes of their incorporation; *provided*, that the funds of the said corporation shall not be used or employed in banking operations or for any purpose inconsistent with the provisions of this act; and the said persons above named, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company, for which purpose a book of subscription shall be opened, and kept open for at least five successive days, at such time, in the said city of Elizabeth, as the said persons, or a majority of them, shall

appoint, of which time and place at least twenty days previous notice shall be given in a newspaper printed in the said city; and if more stock be subscribed than the amount of the capital hereafter provided for, said stock shall be apportioned by said persons among the subscribers, in proportion to their respective subscriptions.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, to be subscribed for in shares of fifty dollars each; and as soon as five hundred shares of said stock shall be subscribed for, and ten dollars paid on each of the said five hundred shares, the persons above named, or a majority of them, may, by public notice published in a newspaper printed in said city, for a period of not less than fifteen days, call a meeting of the stockholders of the said company for an election of seven directors; and if the said five hundred shares shall not be subscribed and ten dollars paid on each share within two years from the passage of this act, then the corporation hereby created shall thenceforth for ever cease, and this act shall be null and void.

Amount of
capital stock.

3. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by seven directors, being stockholders, and a majority thereof citizens of this state, one of whom shall be president; and they shall hold their offices for one year, and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors the stockholders having the greatest number of votes shall be directors; and the persons herein before named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of the election; and the said president and directors may make, ordain and execute such by-laws and regulations for the government of the said corporation and

Election of
directors.

the management of its concerns, as may by them be deemed necessary and convenient, not repugnant to the constitution or law of this state or of the United States, and may appoint such agents and superintendents, with such compensation as they may think proper, and remove them at pleasure.

Payment of
instalments.

4. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of business; and in case any vacancy shall happen in the office of director by death, resignation or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy; and the said president and directors, or a majority of them, shall have power to call in payments on said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days notice as aforesaid; and if any stockholder shall neglect for the space of six months after the expiration of the thirty days notice as aforesaid, to pay his instalment so called for as aforesaid, his stock and all previous payments thereon, may be forfeited to the said company, for their use and benefit.

Stock trans-
ferable.

5. *And be it enacted*, That the stock of the said company shall be deemed personal property, and shall be transferable on the books of said company, in such manner as shall be prescribed by the by-laws of said corporation.

Dividends.

6. *And be it enacted*, That no dividend shall be made of any part of the capital stock of said company; and the books of said company shall at all times, during business hours, be open for the inspection of the stockholders, or any of them; and no transfer of stock shall be valid or effectual until entered in a book to be kept by the directors for that purpose.

Corporation
not dissolved
for failure
to elect on
day pre-
scribed.

7. *And be it enacted*, That all elections of directors shall be by ballot; and in case an election for directors shall not be held on the day on which pursuant to this act it ought to have been held, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at such other times as may be prescribed by the by-laws of such corporation after thirty days notice; and that this act shall take effect immediately and continue in force for thirty years, unless sooner modified or repealed.

Approved March 10, 1856.

CHAPTER LXXXVII.

AN ACT respecting public schools in the city of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the whole of the city of Trenton shall constitute one school district, and that every child residing in said city between the ages of five and eighteen years may be admitted to the public schools thereof, upon such conditions and under such regulations as the superintendent and trustees of the public schools in said city may from time to time prescribe.

City to be
one school
district.

2. *And be it enacted*, That at every annual election for city officers in said city there shall be chosen by the electors of said city one superintendent of public schools, who shall hold his office for one year.

Election of
superintend-
ent.

3. *And be it enacted*, That at the next annual ward election in said city there shall be chosen by the electors of each ward two trustees of public schools, one for one year, and the other for two years; and at every annual ward election thereafter there shall be chosen by the electors of each ward one trustee of public schools for the term of two years; the superintendent, together with the trustees, shall have the control, regulation and management of the public schools in said city.

Election of
trustees.

4. *And be it enacted*, That it shall be the duty of the city clerk, within ten days after every election, to notify the superintendent and trustees of their election, and to report to the state superintendent the name of the city superintendent.

Clerk to
notify per-
sons elected.

5. *And be it enacted*, That the said superintendent shall within thirty days after notice of his election, and before entering upon the discharge of his duties, enter into a bond in such sum and with such sureties as the common council of said city may approve, to the inhabitants of said city in their corporate name, conditioned for the faithful performance of his duties, and for the delivery by him of all books and other property or assets, and the payment of all money in his hands, as such officer, to his successor in office within ten days after

Superintend-
ent to give
bond.

said successor shall have entered on the discharge of his duties.

Moneys to be paid over to superintendent.

6. *And be it enacted*, That it shall be the duty of said superintendent to draw for and receive from the county collector, who is hereby authorized and required to pay the same, all moneys appropriated by the board of chosen freeholders to the use of public schools in said city; and the city collectors are hereby authorized and required to pay over to the said superintendent out of the first moneys by them collected, such sums as may from time to time be directed to be raised in said city for public school purposes as hereinafter provided, for which payments said superintendent's receipt shall be their sufficient voucher.

Officers of board of trustees.

7. *And be it enacted*, That the said trustees shall elect one of their number to be president, who shall preside at their meetings, and one of their number to be secretary, who shall keep their minutes.

No moneys to be paid unless by order of trustees.

8. *And be it enacted*, That the said superintendent shall pay over no money received by him for the use of the public schools of said city except upon an order directed by the board of trustees, and signed by their president, which order shall state the purposes for which it is given, and be made payable to the order of the person entitled to receive the money, and be endorsed by him or her; *provided*, that no order shall be drawn unless voted for by a majority of the members present at the meeting by which it may be authorized.

Provided.

Duties of superintendent

9. *And be it enacted*, That it shall be the duty of the superintendent and trustees to visit every public school under their charge at least once in every quarter, to examine into the condition of the same and to advise and consult with the teachers; and they shall cause the result of such visit to be entered in a book to be kept for that purpose in each school; and it shall be the duty of the superintendent to make out a report in writing, and transmit the same to the state superintendent of common schools, on or before the fifteenth day of December in each year, of the state and condition of the public schools of said city, the number of scholars taught therein, the terms of tuition, the length of time the schools have been open, the amount of money received by him, and the manner in which

it has been appropriated and expended, together with such other information as he may think necessary, or as may be desired by the state superintendent, or directed by any act of the legislature.

10. *And be it enacted*, That all the power and authority given or to be given to town superintendents and trustees by any act of the legislature in relation to the examining and licensing of teachers, shall be possessed by the superintendent and trustees of public schools of said city.

Superintendent to license teachers.

11. *And be it enacted*, That annually, on or before the fifteenth day of March, it shall be the duty of the superintendent to present his account for the past year, with the vouchers in support thereof, to the trustees, who shall thereupon proceed to audit and settle the same, and ascertain the balance due to or from said superintendent; and said trustees shall report said account forthwith to the common council, who shall cause the same to be published with their annual statement of the city finances; accompanying said account, the superintendent and trustees shall also send to the common council estimates of the amount of money which in their opinion it will be desirable to raise by tax for the support of public schools in said city the ensuing year; which estimates, together with said account, shall be immediately thereafter published in two of the newspapers printed in said city.

Superintendent to present annual account.

12. *And be it enacted*, That the inhabitants of the city of Trenton may, at their annual ward meetings hereafter to be held, order to be raised by tax any sum of money for the support of public schools therein that they may think proper; at such meetings every voter may indicate upon his ticket the amount he desires to be so raised; the votes shall be counted by the election officers, and the amount of money for which the largest number of votes shall have been given shall be immediately thereafter certified by the ward clerks to the common council, who shall add the amount so determined to the sum which they may order to be raised for other city purposes, which amount as collected shall be paid over by the collecting officers to the superintendent of public schools, as hereinbefore provided.

Money for support of public schools may be raised by tax.

13. *And be it enacted*, That whenever and so often as the

Proceedings
to authorize
tax or loan.

said superintendent and trustees of public schools shall deem it expedient to raise money by tax or loan, to purchase land and erect school houses thereon, they may, with their annual estimates provided for in the eleventh section of this act, recommend the raising by tax or loan as they may think best, of such a sum as will in their opinion be requisite to effect the object proposed; and thereupon it shall be the duty of the common council to submit said recommendation to the decision of the citizens at the next city election, and to provide for counting the votes for and against the same, and for certifying the result of such election back to the common council, and if a majority of the votes polled at such election for and against such recommendation shall be in favor thereof, then if said result be in favor of raising said money by tax, it shall be the duty of the said common council to add the amount so voted to be raised to the sum they may order to be raised by tax for other city purposes for that year, and said money when collected shall be paid over by the collecting officers of the said city to the superintendent of public schools; and if said result shall be in favor of raising said money by loan, it shall be the duty of the common council to borrow the amount on the credit of the city, on the best terms upon which they can procure the same, and to issue bonds therefor, which bonds shall not be liable to any tax that may be levied by the common council of said city; and thereafter to provide annually by taxation for the payment of the interest and the extinguishment of at least one-tenth of the principal of said loan; and said money when so borrowed shall be paid over to the said superintendent of public schools.

Trustees
body corpor-
ate.

14. *And be it enacted*, That the superintendent and trustees of public schools to be elected by virtue of this act, and their successors in office, shall be and they are hereby constituted a body politic and corporate by the name of "the Superintendent and Trustees of Public Schools of the City of Trenton," and may purchase and hold, in this corporate name as aforesaid, such real estate as may be necessary for the purpose of this act, and may erect public school houses thereon; and with the concurrence of the common council of said city, may sell or exchange the same, as may best promote the purpose de-

signed by this act; they may also take and hold, in their corporate name aforesaid, such estates, real, personal or mixed, as may from time to time be conveyed to them by gift, grant, devise, or any other lawful mode, for the purpose of promoting the cause of public education in said city; and may execute any trust having such object in view, upon which said conveyances or any of them may be made; and they may so use the rents, issues and profits of such estates as to promote the cause of public education in said city.

15. *And be it enacted*, That for neglecting to make to the state superintendent the report required by the ninth section of this act, the city superintendent shall forfeit and pay the sum of ten dollars; and for neglecting to present his annual account to the trustees, as required by the eleventh section of this act, he shall forfeit and pay the sum of fifty dollars, which said penalties with costs of suit, may be sued for and recovered by the common council, in the corporate name of the city, before any court of competent jurisdiction, and shall, when recovered, be applied to the support of public schools in said city; *provided*, that nothing in this section shall prevent a prosecution and recovery upon the official bond of said superintendent.

Penalty in
case of super-
intendent.

Proviso.

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

Repealer.

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

Approved March 10, 1856.

CHAPTER LXXXVIII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one.

Expenses of
improvements to be
assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all expense for improvement in opening, altering and widening streets, and making and constructing sewers, and for deepening, widening or arching any brook in said city of Paterson, shall be assessed upon and paid by the lands and real estate benefitted by the same, in proportion to the benefit received.

Grades of
streets not to
be altered
unless by
consent of
owners.

2. *And be it enacted*, That the "Mayor and Aldermen of the city of Paterson" shall not alter the grade of any street which has been fixed by any lawful authority, and upon which buildings have been erected, unless by the consent of the owners of three-fourths of the lots fronting on the part so altered, in number and value, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade.

Lands may
be taken on
payment of
value.

3. *And be it enacted*, That the "Mayor and Aldermen of the city of Paterson" shall have power to take any lands that they may judge necessary for the opening, widening or alteration of any street, or for making or constructing any sewers, or deepening, widening or arching any brook, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot or parcel or tenement by taking part of it for such purposes.

Proceedings
in case of
opening any
street &c.

4. *And be it enacted*, That when any application shall be made for opening, altering or widening any street, constructing any sewer, or deepening, widening or arching any brook, in said city, the "Mayor and Aldermen of the city of Paterson" shall appoint a time when persons interested therein may be heard before them, or the appropriate committee, on the merits of such application, and shall give notice of the nature of such application, and the time and place of hearing, in one or more of the city papers for thirty days before such time of hearing; and if the "Mayor and Aldermen"

shall determine to open, alter or widen such street, or to make or construct such sewers, or to deepen, widen or arch such brook, they shall, after determining and defining the precise improvement to be made, appoint three judicious, disinterested freeholders, residents of said city, commissioners, who shall determine what lands and real estate will be benefitted by said improvements; and shall estimate the whole cost of said improvement according to the best of their judgment; and shall cause a survey and map to be made of said improvement, and of the lots or parcels of land benefitted thereby, distinguishing each lot or parcel by number on said map, and shall assess such estimated costs upon said lands to be benefitted thereby, in proportion to the benefit received by each lot or parcel in said map, estimating the benefit to be done to the residue of any lot or parcel of which part may be taken for such improvement, in the same manner as to other lands; and they shall also estimate and report the value of lands taken for such improvements and the erections thereon, and the damages aforesaid done by taking the same, and shall report to whom said lands so taken belong, and the interest and estate of the several owners in the same, as far as practicable, and shall file said report and map with the city clerk in ninety days after their appointment; and thereupon the city clerk shall give notice of the filing of such report and map, within ten days after the same shall be filed with him, in one or more of the city papers, and continue the same for two weeks; and unless in thirty days after the filing of said report one half of the owners of the lands to be assessed for such improvements shall file with the city clerk a remonstrance signed by them or their agents lawfully authorized, said "Mayor and Aldermen" shall proceed to execute such improvements; but if such remonstrance shall be filed, the "Mayor and Aldermen" shall proceed no further in such improvement under that application; and all costs and expenses incurred by the "Mayor and Aldermen" in such proceeding shall be repaid to the city by the petitioners for such improvements; and the mayor and aldermen may make such regulations touching the receiving and proceeding upon such petitions and security for the expenses thereof as they may deem

proper; and if no such remonstrance be filed, then the amount reported by said commissioners as the value of any lands and buildings to be taken, and the damages for taking the same, shall be the sum to be paid by the said mayor and aldermen to the respective owners of said lands; and the expenses of said improvements, when completed, including all interest and the costs of the proceedings shall be assessed upon the property reported by the said commissioners as benefitted thereby, and in the proportion reported by them; if the owner of any lands taken who has filed a remonstrance against any such improvement, which he is hereby authorized to make, is dissatisfied with such assessment, he may apply to the justices of the supreme court, at their term held next after the end of twenty days from the expiration of the time limited for filing a remonstrance as above provided, giving ten days notice of such application to the city clerk, or in his absence to the mayor; and such justices, or a majority of them, at said term, upon petition by such person or persons dissatisfied, or any of them, setting forth the causes of his, her or their complaint, shall appoint three disinterested persons commissioners, who shall be the same in all applications regarding the same improvement; such commissioners shall meet on ten days notice given by any of said persons so applying to each of the others, or to his attorney, if either reside in the city, and to the city clerk, and shall proceed to examine the premises, with power to send for and examine persons or papers, and to swear witnesses, and to compel their attendance by process of subpoena to issue out of the supreme court, and shall review the proceedings of the said commissioners appointed by the mayor and aldermen so far only as the complaint of the applicants to the supreme court is concerned, and shall report in writing, under their hands, to the mayor and aldermen their estimate of the value of such lands and buildings taken, and damages, and their assessment of such expenses on lands benefitted, which report shall be filed with the city clerk, and shall be conclusive on all parties; and the costs of their appointment and of the proceedings of said commissioners shall in case their report is more favorable to the applicant or applicants than that of the first commissioners, be paid by the city, and

added to the expenses of the improvement; and in case such report is not more favorable to any applicant or applicants than the first report, then said applicant or applicants shall pay all such costs and expenses; and the proportion of such costs paid by the city shall be deducted from the sum to be paid to him (if any) or be assessed upon his property by the mayor and aldermen, and shall become a lien thereon, and be collected therefrom in the same manner as the assessment for any improvement authorized by this act; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall in their report apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant or his legal representatives shall at the termination of his estate be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may by bill in chancery have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands and said bill was filed for the foreclosure thereof; and such lien shall have priority of all other encumbrances, and all such assessments so made on any lot as aforesaid shall be and remain a lien thereon until paid or otherwise satisfied; and the amount assessed shall be raised by the mayor and aldermen by a sale of the property so assessed, in the same manner in all respects as assessments are to be raised by the nineteenth section of the act to which this is a supplement; and after such improvement shall be completed, all the costs and expenses of making the same shall be reported to and settled by the mayor and aldermen, and the proportion of each lot or parcel of land designated on the original assessment map shall be fixed and settled by a resolution of the mayor and aldermen, according to the provisions of this act; which resolution shall be recorded by the city clerk in a book kept for that purpose, to be called the assessment book, and shall be signed by the

mayor and city clerk; which book, or a transcript thereof, certified by the clerk under the city seal, shall be conclusive evidence of such assessment.

Payment of
assessment
and damages

5. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands or buildings taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the mayor and aldermen shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the owner or the passing of such resolution by the mayor and aldermen, the said lands shall be vested in the city, and the city officers may proceed with such improvements; and the said moneys so deposited shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused.

Assessment
may be set
aside.

6. *And be it enacted*, That any assessment or estimate of value and damages made by any commissioners under this act, that may be made upon principles contrary to law and to the provisions of this act, may be reviewed, and for such cause set aside by the supreme court upon certiorari; and the said court shall in the case of setting aside any such assessment or valuation appoint new commissioners to examine into and report anew as to the part set aside; and for the purpose of such examination the supreme court may require by rule the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same, by affidavits to be taken for that purpose; and the city in case of reversal shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

7. *And be it enacted*, That all commissioners of assessment appointed by or under this act, shall before they proceed to the duties of their appointment, subscribe and take an oath before some person lawfully authorized to administer oaths, faithfully, honestly and impartially to perform the duties required of them, and shall receive such compensation for their services as the mayor and aldermen shall by general ordinance fix and ordain.

Commissioners to take oath.

8. *And be it enacted*, That in cases where the mayor and aldermen are authorized to make or levy any assessment for any of the said improvements under this act, they shall be authorized to borrow the amount of any such assessment in anticipation of the collection therefor.

Mayor and aldermen authorized to borrow money for improvements.

9. *And be it enacted*, That in all contracts for doing work or furnishing materials for the improvements provided for in this act, shall at all times be given to the lowest bidder, he or they giving ample security for doing the same according to contract, but the mayor and aldermen shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper.

Contracts for work.

10. *And be it enacted*, That every person who shall have duly served as fireman in "the Paterson Fire Association," in Paterson, in the county of Passaic, for seven years in succession next preceding the seventeenth day of March, eighteen hundred and fifty-five, and who shall faithfully serve as such for one year thereafter in "the Fire Department of the city of Paterson"; and every person who shall have duly served as such fireman in the said "Paterson Fire Association" for a less period of time than seven consecutive years next preceding the seventeenth day of March, eighteen hundred and fifty-five, and who shall faithfully serve as such in said "Fire Department of the city of Paterson" for so long a time thereafter as shall make in the whole the term of seven years; and every person who shall faithfully serve as fireman in "the Fire Department of the city of Paterson" for seven consecutive years, to be proved by certificate sealed with the corporate seal of the city of Paterson, and signed by the mayor of said city and the chief engineer of the fire department, shall during and forever after such service be exempted from serv-

Firemen exempt from jury duty.

ing as a juryman in any of the courts of the said county of Passaic.

Parts of
former acts
repealed.

11. *And be it enacted*, That all acts and parts of acts heretofore passed, so far as they are repugnant to the provisions of this act, be and the same are hereby repealed.

Approved March 10, 1856.

CHAPTER LXXXIX.

AN ACT to incorporate the Farmers and Citizens Ferry Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Andrews, Franklin M. Thorne, William J. Hatch, Richard Fетters, John R. Andrews, John F. Starr, John Morgan, Edward Harris and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of the "Farmers and Citizens Ferry Company."

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty-five dollars each, and shall be subscribed for and paid in at such time or times, in such manner and in such instalment or instalments and upon such notice as the said company may by their by-laws or otherwise direct or appoint; and in case of a failure by any stockholder to pay his or her instalment or instalments at the time and place mentioned and appointed for the payment thereof, or within ten days thereafter, such stockholder shall incur a forfeiture of his or her

shares, and all previous payments thereon, for the use of said company.

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

Stock transferable.

4. *And be it enacted*, That the affairs of said corporation shall be managed by eleven directors; and Samuel Andrews, Franklin M. Thorne, William J. Hatch, Richard Fettes, John R. Andrews, John F. Starr, John Morgan, Edward Harris, Joel Horner, John C. Shreve and Joseph C. Stoy are hereby appointed the first directors, who shall serve until the first Monday in January next, and until others are elected or chosen in their stead; and the said directors, or a majority of them, shall assemble as soon as convenient after the passing of this act and appoint one of their number to be president of the said corporation, who shall be a resident of this state, and who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, or a majority of them, convened at the next succeeding meeting, shall have power to appoint and fill such vacancy or vacancies until the next annual election.

First directors.

5. *And be it enacted*, That there shall be an annual election of directors held at some place in the city of Camden, on the first Monday of January next; and that all subsequent annual elections of directors shall be held at such time and place as the board of directors shall appoint and fix, of which time and place notice shall be given by publishing the same in two of the newspapers printed in said city, at least four weeks successively previous to the day of such election; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in January next, or at

Annual election of directors.

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

Company
may erect
ferry.

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry, from the foot of Cooper street, or some other point in the city of Camden, to such place or places in the city of Philadelphia as may best serve the public convenience and interest of the said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings and all other necessary appendages, and may build steamboats, vessels and ferry boats of such description and dimensions as the said board shall order and direct; *provided always*, that it shall be the duty of the said corporation to keep a steamboat or boats running all the year for the accommodation of the public.

Proviso.

Rates of
ferriage or
toll.

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

For each passenger, five cents.

Single passenger, in wherry, ten cents.

For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests and scow baskets to be rated according to the number of bushels they hold, for each bushel one

cent; all articles having contained marketing to return free, if empty, otherwise to pay the usual rates.

For a two-horse load, with or without the carriage, not otherwise rated, twenty-five cents.

A barrel of salt, plaster, flour, sugar, liquor, &c., eight cents.

A hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents.

Stove, of cast iron, six or more plates, ten cents.

Salt, plaster, grain, clover and other grass seeds, per bushel, two cents.

Flour, beef, pork, iron, &c., per hundred weight, three cents.

Coffee, per bag, chest, large trunk, &c., five cents.

Soap, candles, glass, chocolate, &c., per box, three cents.

Windsor chairs, per dozen, bureau, bedstead, clock case, &c., ten cents.

Lumber, per hundred feet, ten cents.

Live calves and fat hogs, per head, five cents.

Sheep and store hogs, per head, three cents.

Fat cattle, twenty-five cents.

Cow and calf, twenty cents.

Store cattle, horses, mules, &c., fifteen cents.

Side-board, twenty cents.

Desks, secretaries, &c., fifteen cents.

Tables, stands, feather beds, mattresses, large chests of tea, five cents.

Crate and tierce of earthenware, hamper of bottles, fifteen cents.

Fresh shad, per hundred, or herrings, per thousand, twenty cents.

CARRIAGES AND DRIVERS.

Every four wheel carriage, drawn by four horses, sixty cents.

Every four wheel carriage, drawn by two horses, thirty cents.

Every two wheel carriage, drawn by two horses, twenty-five cents.

Every four wheel carriage, drawn by one horse, twenty-five cents.

Every two wheel carriage, drawn by one horse, twenty cents.

Market carriages, with their drivers, including fish wagons,

going to or from market, with four wheels, drawn by two horses, thirty cents.

Four wheels, drawn by one horse, twenty cents.

All passengers in carriages, except the driver, to pay the same as other passengers.

Carriages of burthen, to include charcoal, tin wagons, pedlars, &c., with their drivers, two horse loads, thirty-five cents.

Unloaded, twenty-five cents.

One horse load, twenty-five cents.

Unloaded, twenty cents.

For carrying hay, straw, hemp, flax, and other bulky articles, two horse load, fifty cents.

Unloaded, thirty cents.

One horse load, forty cents.

Unloaded, twenty cents.

Each additional horse or mule, fifteen cents.

Bricks, on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free.

Charity schools, with their teachers, to pass free.

All persons who desire it shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows, not exceeding the sum of one dollar per quarter for each passenger.

Semi-annual
dividends to
be made.

8. *And be it enacted*, That dividends of so much of the profits of the company, not exceeding seven per cent per annum, 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.

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct the wharves, slips, bridges, piers, boats, buildings, fences, gates or any other of the works, engines or machines of said company, such person

or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace in this state, or any alderman of the city of Camden, and shall also be liable, in addition to the above penalty, to double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

10. *And be it enacted*, That this act shall continue in force for thirty years.

Approved March 10, 1856.

CHAPTER XC.

AN ACT authorizing repairs of the State Arsenal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general of this state be and he is hereby authorized to have such alterations, improvements and repairs done to the New Jersey State Arsenal as shall in his opinion be deemed necessary, subject to the approval of the commander-in-chief of this state, for the better preservation of the public property, arms, ordnance and accoutrements therein deposited, and that he be directed to sell, for the best price that can be obtained, all such building and other materials at the arsenal as may be disposed of to advantage; and that the proceeds of such sale be applied towards defraying the expenses of said repairs and improvement; *provided*, that the cost of said repairs and improvements shall not exceed the sum of one thousand dollars over and above the proceeds of such sale as aforesaid.

Repairs to Arsenal authorized.
Provide.

Payment,
how made.

2. *And be it enacted*, That the governor of this state be authorized to audit the accounts of the quartermaster-general that may accrue under this act, and that the treasurer of this state be authorized and directed to pay the same upon warrants drawn by the quartermaster-general and approved by the governor; and that he render an account thereof to the legislature at their next session.

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

Approved March 10, 1856.

CHAPTER XCI.

AN ACT to relieve the creditors and stockholders of the Somerville Water Power Company and of the Hudson Manufacturing Company.

Preamble.

WHEREAS John M. Mann and Joshua Doughty have heretofore, by order of the chancellor of this state, been appointed receivers to protect and superintend the real estate, property and franchises of the said Hudson Manufacturing Company, who are the grantees of the said Somerville Water Power Company, and whose concerns and interests have become so involved in complicated difficulties and embarrassments that the parties interested therein as creditors and stockholders cannot have full and satisfactory relief without protracted and expensive suits in the courts of law and equity of this state: AND WHEREAS it is represented by the parties interested in the property and affairs of said companies, that the same are abundantly able to pay off and satisfy every just claim against said companies, and that a favorable opportunity is

now presented to sell and convey the said property, and that the interest of creditors and stockholders will be promoted by a sale of the real estate of said companies, with all their franchises and works, clear of all incumbrances, and have 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 said receivers may sell the real estate, franchises and works of the said Somerville Water Power Company and the said Hudson Manufacturing Company at public sale, to the highest bidder, free and clear of all incumbrance, and may make to the purchaser or purchasers thereof as good and sufficient a title in law as the said companies now have in said real estate, franchises and works, free and clear of all mortgages, judgments or other liens whatever.

Receivers authorized to sell property

2. *And be it enacted*, That the purchaser or purchasers thereof shall hold said real estate, franchises and works, in the same manner, and with the same rights and privileges as the original owners held the same; *provided*, they shall not extend the capital beyond the limits of the respective charters of said companies, or in any wise contravene the provisions thereof; *and provided further*, that the said purchasers, after said purchase, shall be known by the name of "the Raritan Water Power and Manufacturing Company," and by that name may sue and be sued, have a common seal and all the corporate powers belonging to the said original companies by virtue of the terms of their respective charters.

Property vested in purchaser.

Proviso.

Proviso

3. *And be it enacted*, That nothing in this act shall be construed to affect the rights of the creditors of the said companies to receive their respective claims, according to their respective legal priorities, out of the proceeds of such sale, or their respective distributive shares of such proceeds, according to law, and that nothing in this act contained shall be construed to invalidate any existing leases or contracts made by said companies, or either of them, or any assignments thereof.

Rights of creditors not affected.

Approved March 10, 1856.

CHAPTER XCII.

AN ACT relative to the alteration of certain arms in the State Arsenal.

Repairs to
arms au-
thorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general of this state be and he is hereby authorized and directed from time to time to cause such of the flint-lock arms now in the arsenal as are suitable for that purpose, to be altered to percussion locks, upon the best terms on which the work can be done, and in such numbers as shall be annually required for the equipment of the uniform militia of this state, and to cause two hundred new flint muskets to be altered to the use of the Minnie ball, upon the most approved plan now in use.

Old arms au-
thorized to
be sold.

2. *And be it enacted*, That the said quartermaster-general be authorized to dispose of such of the old arms and equipments now in the arsenal, which are not fit for service, and to apply the proceeds to the carrying out the provisions of the first section of this act.

Payment,
now made.

3. *And be it enacted*, That the action of the said quartermaster-general in carrying out the provisions of this act, shall be subject to the approval of the commander-in-chief, upon whose warrants the treasurer is directed to pay any balance which may be found due for causing such alterations to be made, the same having been duly certified to the said commander-in-chief by the said quartermaster-general.

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

Approved March 10, 1856.

CHAPTER XCIII.

A SUPPLEMENT to the act entitled "An act to regulate the mode of docketing judgments of the circuit courts in the supreme court," approved March nineteenth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any final judgment of a court of common pleas may be docketed in the supreme court in all things the same as if it was a judgment in any circuit court; and the provisions of the act to which this is a supplement be and the same are hereby extended so as to include and embrace final judgments in the courts of common pleas to the same extent in all things as though said judgments had been mentioned and embraced in said act.

Provisions of
former act
extended.

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

Approved March 10, 1856.

CHAPTER XCIV.

A FURTHER SUPPLEMENT to the act entitled an act establishing a militia system; approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the captain or commanding officer of every uniform corps, furnished with arms and equipments, the property of this state, shall make returns annually, on or

Commanding
officer to
make annual
return &c.

before the first day of January in every year, to the quartermaster-general, of the actual situation, condition and number of the arms and accoutrements, and the number of men actually enrolled, equipped and in uniform, doing militia duty, of the respective corps; and in case of failure to make such return, or if the number loaned to such corps does not fully appear, on the respective return, or their good condition is not manifest, the said quartermaster-general shall, as soon as may be, cause the said arms and equipments of such corps to be returned to his care.

Salary of
armorer and
assistant.

2. *And be it enacted*, That the salary of the armorer of this state shall hereafter be at the rate of five hundred dollars a year, and that the pay of the assistant be one dollar and twenty-five cents per day, and that so much of the provisions of the ninety-sixth section of the act entitled an act establishing a militia system, approved April seventeenth, eighteen hundred and forty-six, as conflicts with this act, be and the same is hereby repealed.

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

Approved March 10, 1856.

CHAPTER XCV.

A FURTHER SUPPLEMENT to "An act relative to commissioners for taking the acknowledgment and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six.

Additional
commission-
for Penna.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, by and with the consent of the senate, be and he is hereby authorized to

name, appoint and commission an additional commissioner for New Jersey, resident in Pennsylvania, with the same powers and authority given to the other commissioners resident in Pennsylvania, by the act to which this is a supplement.

Approved March 10, 1856.

CHAPTER XCVI.

AN ACT to incorporate the Jefferson Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Bird, Jonathan Bird, George B. Grinell, Levi P. Morton and Robert S. Swords, or the survivors or survivor of them, and all such persons as may be hereafter associated with them, or the said survivors or survivor of them, their successors and assigns, shall be and they are hereby created a body politic, in fact and in name, by the name of "the Jefferson Manufacturing Company," for the purpose of manufacturing fabrics of wool, silk, cotton and flax, or either of them, and dyeing, bleaching and printing the same or other fabrics, and carrying on the business incident to such manufacture, in the counties of Essex and Passaic, or in either of them.

Names of
corporators.

2. *And be it enacted*, That the stock, property and concerns of such corporation shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their office for one year; and that the said directors shall be chosen on the first Monday in January in each and every year, at such time and place as shall be directed by the by-laws of said corporation; and public notice of the time and place of holding every such election, not less than ten days previous thereto, in one or more newspapers published

Election of
directors.

in the counties of Essex or Passaic, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; and each stockholder shall be entitled, either in person or by power of attorney, to as many votes as he shall hold shares of the capital stock of the said company; and any person having the greatest number of votes, being a stockholder, shall be a director; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall be had; and the directors so chosen shall appoint clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of the whole number being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation or otherwise, among the directors, named in this act or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as a majority of them shall appoint, and until other directors are chosen from the stockholders; and the first directors shall be George Bird, Jonathan Bird, George B. Grinnell, Levi P. Morton and Robert S. Swords, and the survivors or survivor of them, who shall hold their office until the first Monday in January next, or until other directors are legally chosen.

First
directors.

Amount of
capital stock

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

papers printed in either of the counties of Essex and Passaic.

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

Books of subscription to be opened.

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

Stock transferable.

Proviso.

6. *And be it enacted*, That in case it should at any time happen that an election should not be held on the day when pursuant to this act the same should be held, the said corporation for this cause, or for that of any other *non user*, shall not be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day in the manner aforesaid, as shall and may be prescribed in the by-laws of said corporation.

Corporation not dissolved for failure to elect on day prescribed.

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

Directors to make by-laws.

Proviso.

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

Books of account to be kept.

shall be valid and effectual until such transfer shall be entered and registered in the book to be kept by the president and directors for that purpose.

Corporation
may be dis-
solved.

Proviso.

9. *And be it enacted*, That the said corporation may be dissolved at any meeting of the stockholders specially convened for that purpose; *provided*, that three-fourths in value of the stockholders shall be present and represented therein, and vote in-favor of such dissolution; and upon such dissolution the directors for the time being, or the survivors or survivor of them, shall be the trustees for the settling the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus, if any, among the stockholders of said corporation in proportion to their respective shares or interest therein, unless the stockholders at such general meeting shall appoint other persons, not less than three in number, for that purpose, in which case the persons so appointed, or the survivors or survivor of them, shall be trustees for the purpose aforesaid.

Limitation.

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

Approved March 11, 1856.

CHAPTER XCVII.

AN ACT to establish a public ferry across the Delaware River at or near Aten's Ferry, in the county of Warren.

D. Aten au-
thorized to
establish
ferry.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Derrick Aten, his heirs and assigns, shall have the right and privilege, at their own expense, to make good and convenient landings on the east and west

sides of the Delaware river, at or near Aten's Ferry, in the county of Warren, in the state of New Jersey, and the county of Northampton, in the state of Pennsylvania, and to use the said river between the said landings as a public ferry.

2. *And be it enacted*, That the said Derrick Aten and his heirs and assigns shall keep the said landings and ferry in good condition and repair, fit for the transportation and passage of persons and property, horses and other animals, carriages, et cetera, and shall keep good and substantial boats and other necessary crafts, and competent and careful ferrymen, who shall constantly, as occasion shall require, attend for the purpose of transporting persons and property as aforesaid over the said river with all reasonable diligence and attention.

Landing and
ferry to be
kept in re-
pair.

3. *And be it enacted*, That the said Derrick Aten, his heirs and assigns, as a remuneration for keeping up in good repair the said landings and ferry as aforesaid, shall be entitled to receive such tolls for transporting persons and property as aforesaid, as may be prescribed by the board of freeholders of Warren county, and shall be in accordance with the rates of tolls received by other ferries of like import crossing said river, and shall be allowed the privilege to extend a rope or wire across the said river if they deem it advisable to facilitate the business of the said ferry; *provided*, that the rope or wire aforesaid shall not be so constructed as to obstruct or interfere with the ascending and descending navigation of the said river, and that nothing in this act contained shall be so construed as to authorize the said Derrick Aten, his heirs and assigns, to erect or construct the said landings, or to receive or discharge persons or property as aforesaid, on lands belonging to any other person, without the consent of the owner or owners thereof.

Rates of toll.

Provido.

4. *And be it enacted*, That if any person or persons shall wilfully pull down, cut or break, or in any way injure or destroy any rope, wire, boat or other property, or shall take from its moorings any boat or craft belonging to the said ferry, he, she or they so offending shall each forfeit and pay to the said Derrick Aten, his heirs and assigns, the sum of twenty dollars, in addition to all damages sustained, to be recovered as debts of like amount are by law recoverable.

Penalty for
injuring
works.

No other ferry to be established within certain distance

Proviso.

Proviso.

5. *And be it enacted*, That all other persons are hereby prohibited from using the said river for the purposes of a ferry between the distance of half a mile below and two miles above the said ferry, and any person violating the provisions of this section shall forfeit and pay to the said Derrick Aten, his heirs and assigns, the sum of fifty cents for each and every offence; *provided*, that nothing in this act contained shall be so construed as to prevent persons owning the shore within the said limits from transporting persons and property free of charge; *and provided further*, that all persons going to and from divine service on foot, shall be ferried free of charge, according to the ancient custom of the said ferry.

Approved March 11, 1856.

CHAPTER XCVIII.

AN ACT to incorporate the Trenton and Allentown Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter 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 Trenton and Allentown Turnpike Company," and that the following named persons, to wit: Joseph West, James Messler, Arthur K. Howell, Charles Hutchinson, William T. Ivins, Andrew K. Rowan and Joseph C. Potts, or a majority of them, are hereby appointed commissioners to open subscription books and receive subscriptions to the capital stock at such times and places as they or

a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the Trenton newspapers.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with power to increase the same to forty thousand dollars, and shall be divided into shares of fifty dollars each; 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 said company so soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such instalments and at such times and places as the board of directors of said company shall from time to time direct; that upon failure of the payment thereof as so directed the said board shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of said company.

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; that when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least ten days notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall 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 the judges; and that at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot nine directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by the president, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder thereof, in person or by proxy; and in

Election of
directors.

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

Election of
president.

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

Annual
statement to
be made.

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

Company au-
thorized to
make road.

6. *And be it enacted*, That it shall and may be lawful for the said company to make and construct a turnpike from Trenton, by way of Sandtown, Hamilton Square and Newtown, to Allentown; and the said company may by their officers, agents or other persons in their employ enter from time to time and at all times upon all lands necessary to make the said road, and also to search for stone, gravel, sand or clay for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, the said company as soon as they shall have constructed the said turnpike road

Proviso.

shall pay to the respective owners of the land over which they may pass, all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case the said owners and said company cannot agree upon the amount of said damages, then the damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by taking off stone, gravel, sand or other materials from his or her lands for the constructing or maintaining of said turnpike road.

7. *And be it enacted*, That the said turnpike 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 eighteen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a good and firm road; and it shall be so graded that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road, not less than twenty feet in breadth; and whenever said road in passing over low ground shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected on the side, so as to prevent horses and carriages from running off.

Description
of road.

8. *And be it enacted*, That it shall be lawful for the said company their agents, superintendents, engineers and all persons employed by them, with carts, wagons and other carriages, and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands as are necessary for the proper draining of said road and to take and carry away stone, gravel, clay or sand, or other materials therefrom suitable for making or repairing said road; and if the said company or their agents and the owner or owners of such required land or material cannot agree as to the price of the same, it shall

Proceedings
in case com-
pany and
owners can-
not agree.

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 Mercer, upon application of either party, and after six days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of this state, commissioners to assess the price or value of such land or materials as may be required by said company and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall before they enter upon the duties of their appointment, be duly qualified according to law faithfully and impartially to execute the duties thereof, and after six days notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties, and evidence if desired, and thereupon make such decision or award as to them may appear just and equitable, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Mercer, to be by him filed as a public record, and certified copies taken if desired by either party; and upon payment or tender of the sum so awarded by the commissioners the said company or their agents may enter upon said land, or remove all such materials, as have been appraised as aforesaid; and when by reason of any legal incapacity, or the absence of the owner or owners of such land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any award made in behalf of any such persons by commissioners appointed as aforesaid, into the court of chancery to the clerk thereof, subject to the order of said court, for the use of said owner or owners.

Rates of toll.

9. *And be it enacted*, That as soon as the said company shall have constructed said road, according to the direction of this act, and the true meaning and intent thereof, it shall and will be lawful for them to erect toll houses upon and gates or turnpikes across the same, and to demand and receive toll for traveling each mile and all fractions over one half a mile of the said road not exceeding the following rates to wit :

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

For every additional beast, one cent.

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

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

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

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

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance said stone is from the city of Trenton; and shall cause to be fixed at the gates or turnpikes aforesaid in some conspicuous place a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right as the law directs." Penalty ten dollars. Milestones
to be erected

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones so erected on said road or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for the same, to be recovered by said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or vehicles turn out of said road to pass a gate or gates upon Penalty for
injuring
works.

May not
avoid gates.

private grounds adjacent thereto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

12. *And be it enacted*, That if any toll-gatherer 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 defrauded.

Penalty for
obstructing
passage.

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

Road to be
in two di-
visions.

14. *And be it enacted*, That the said road shall be divided into two divisions, that part from Trenton to Sandtown to be called the first division, and that part from Sandtown to Allentown to be called the second division, and by such shall be known in all proceedings against the company; and any defect in one division shall not effect the right to collect toll on the other.

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

15. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Mercer, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four days notice in writing to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company should not have mended or repaired the bridge or part of the road complained

of, to appoint under his hand and seal, three judicious, disinterested freeholders of the county of Mercer, not residing in any township through which said road passes, who having been duly qualified according to law, to act impartially in the case, shall proceed to view and examine said part of the turnpike road or bridge so complained of, and report to said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, said judge shall immediately in writing, under his hand and seal, order the keeper of the gates or turnpikes established on the division complained of, to keep open the same until otherwise ordered, and if the said keeper shall notwithstanding the order of said judge to open said gate or turnpikes, exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon due proof before said judge that said company have repaired or mended said road or bridge in the particular complained of, he shall by license under his hand and seal, directed to the toll-gatherers, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fee shall be allowed and paid as before directed; but if on the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

16. *And be it enacted*, That said company may construct their said turnpike upon the highway, beginning at the bridge over the Delaware and Raritan canal at Trenton, along and over the Sandtown road, to the junction with the road from Millham to Sandtown; and from said junction along and over the road to Sandtown, to Hamilton Square, to Newtown and to Allentown; or along and over the Millham road, from Trenton to the aforesaid junction, or over and along both; *provided*, that before occupying any part of said highways for

Public road
may be used

the purposes above mentioned, the parts so to be occupied shall be first vacated as public highways according to law.

Public act.

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

Approved March 11, 1856.

CHAPTER XCIX.

SUPPLEMENT to an act, to incorporate the Cape Island turnpike company, approved March first, eighteen hundred and fifty-one.

Company
may hold
real estate.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the directors of the Cape Island turnpike company, shall have full power to close the first toll-gate from Cape Island, commonly known as the Mount Vernon toll-gate, at any time between the first day of October, and the first day of June, annually, that they may deem expedient for the interest of said road; and that the said company shall have full power to take and hold a quantity of land at the terminus of said road, on Delaware Bay shore, not exceeding one hundred and fifty feet on said shore, on the southerly side of said road, and not exceeding one hundred and fifty feet above high water mark, in front and along the eastwardly side of and adjoining said road.

Mode of ac-
quiring land.

2. *And be it enacted*, That the said company shall have power to take, acquire, and hold the land designated and described in the foregoing section, in the same way, and according to the provisions of the eleventh section of the act incorporating said company, or by arbitrators chosen by the parties.

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

Approved March 11, 1856.

CHAPTER C.

A SUPPLEMENT to an act entitled, "An act increasing and defining the powers of the Rifton Manufacturing Company in certain particulars," approved February ninth, Anno Domini eighteen hundred and fifty-five.

WHEREAS, by an act approved March ninth, Anno Domini eighteen hundred and fifty-five, the Rifton Manufacturing Company were authorized to acquire by purchase, and hold in fee, the land and materials deemed necessary in extending the raceway of the said company; and whereas, it is deemed necessary for that purpose to acquire certain lands of "the Belvidere Delaware Railroad Company," with whom it is supposed no agreement can be made without legislative aid—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "the Belvidere Delaware Railroad Company" may sell and convey to "the Rifton Manufacturing Company," any lands or materials deemed necessary in extending the raceway of said company; and whereas, some doubts have been suggested as to the effect of the supplement under which this company was incorporated as "the Rifton Manufacturing Company," approved February twenty-sixth, eighteen hundred and fifty-two, therefore,

2. *Be it enacted*, That nothing contained in the said, or any subsequent act, relating to the said "Rifton Manufacturing Company," shall be taken or construed to impair or affect

Preamble.

Lands may be conveyed to corporation.

Preamble.

Rights of Belvidere Manufacturing Company not to be impaired.

any of the rights of "the Belvidere Manufacturing Company," under their charter, approved the twenty-eighth day of February, Anno Domini eighteen hundred and twenty-eight.

Approved March 12, 1856.

CHAPTER CI.

AN ACT to authorize the inhabitants of the township of Lawrence, in the county of Mercer, to vote by ballot at their town meetings.

Officers to be
elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Lawrence, in the county of Mercer, 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, two overseers of the poor, one pound-keeper, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and one constable, and shall also upon the same ballot vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of the roads, the amount of dog tax, and for the places of holding the next annual town meeting, and the election of state and county officers.

2. *And be it enacted*, That hereafter the overseers of the highways of the several road districts in the township of Lawrence, in the county of Mercer, shall be elected by the legal voters of the several road districts as they may be arranged from time to time by the township committee; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice, as shall be hereafter directed in the third section of this act, which shall be within six days after the next annual town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters in the township residing in such district shall assemble for the purpose of such election, and at which time and place such legal voters so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes, and being so organized the meeting shall proceed as in the election of moderator, to elect an overseer of the highway for the district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee in writing of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept the appointment, the township committee shall fill such vacancy; the overseers of the highways shall account to and settle with the township committee as required to do by law.

Overseers of
the roads.

3. *And be it enacted*, That it shall be the duty of the township committee, as is required by the second section of this act, to give notice of the time and place of holding the first district road meetings under this act, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

First road
meetings.

4. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district, at least ten days from the time of holding such meeting; and all subsequent district road meetings shall be held on the Saturday preceding the annual town meetings;

Subsequent
road elec-
tions.

and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept said appointment, or in case of vacancy arising from any other cause, the township committee shall fill such vacancy.

Judges of election.

5. *And be it enacted*, That the judges of election elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be the clerk thereof.

Elections and duties of officers.

6. *And be it enacted*, That the election shall open at eight o'clock in the morning, and close at seven o'clock in the afternoon of said day, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve on the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation as far as may be applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner and stated according to law.

When town committee may elect.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meeting, or the state and county election, or to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town-meeting, or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, the township committee shall at their next meeting thereafter fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for these purposes advisable.

Town clerk.

8. *And be it enacted*, That the clerk of the township shall be the clerk of the township-committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of said town-

ship, and when the township committee shall fill a vacancy or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of the county.

9. *And be it enacted*, That the reports of the township committee, the overseers of the poor, and the town superintendent of public schools, shall be filed and preserved by the township committee; in posting up the list of officers elected as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting; and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meeting, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable.

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

Approved March 13, 1856.

CHAPTER CII.

AN ACT to confirm a certain deed from Margaret Kirkpatrick and others, to Anne Amelia Potter and William Burnside.

Preamble.

WHEREAS, the execution of a certain deed of conveyance of lands, in the city of Trenton, in the county of Mercer, and state of New Jersey, (formerly the township of Nottingham, in the county of Burlington, in said state,) by Thomas Burnside, Francis C. Burnside, and Margaret Kirkpatrick, all of the state of Pennsylvania, to William Burnside and Anne Amelia Potter, bearing date the thirteenth day of November, A. D. eighteen hundred and forty-one, and of record in the clerk's office of the county of Mercer aforesaid, in book G. of deeds, pages thirty-two and thirty-three, was duly acknowledged before Thomas Burnside and Morris Longstreth, judges of the court of common pleas of the county of Montgomery, in the state of Pennsylvania, at the time of the execution thereof, by the grantors therein named, and certificates of such acknowledgments made of said Thomas Burnside and Morris Longstreth, judges as aforesaid, made upon the said deed, as by reference to a certified copy thereof from the record aforesaid fully appears; and whereas, it appears by a certificate of Bowyer Brook, prothonotary of the said court of common pleas, of said county of Montgomery, that said Thomas Burnside and Morris Longstreth were judges of said court, duly qualified at the time of taking such acknowledgments, but because it does not appear that the said prothonotary's certificate to the official character of said judges was attached to the said deed at the time of the execution thereof, and was not recorded therewith; and whereas, the original deed is lost, and cannot now be found, so as to perfect the proof of the acknowledgments thereto, and all parties interested therein are anxious that said deed should be in all things confirmed, so that the record thereof shall be competent and legal evidence to prove the title thereby conveyed, as fully as if the said deed had been in all things proved and

acknowledged according to the laws of the state of New Jersey; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed and certificates of acknowledgment thereof, and also the said record of said deed, shall be deemed and considered as good, valid and sufficient in law, and the said record or a certified copy shall be taken and received in evidence to prove the title to the property thereby conveyed, as fully as if the said acknowledgments had been in all things certified and proved according to the laws of the state of New Jersey, any law, custom or usage to the contrary notwithstanding. Deed made valid.

Approved March 13, 1856.

CHAPTER CIII.

AN ACT to set apart and preserve for the purpose of a burying ground the land therein described, situated in the township of Bergen, in the county of Hudson.

WHEREAS, Abraham Speer, of the township of Bergen, in the county of Hudson, in the state of New Jersey, heretofore purchased about one acre and a half of land in said township, bounded as follows: on the north by the road leading from the old burying lot of Bergen church to the back road, westerly by land of John Johnson, Francis P. Vidal and Merseles Parks, southerly by land of Peter Sip, and easterly by lands of Peter Sip and Mrs. Van Riper and the old burying ground; out of which purchase were excepted John Johnson's lot and some burying lots; and whereas, said land is adjacent to an ancient burying Preamble.

ground, and grants had before such purchase by said Speer been made for the purpose of interment within the bounds aforesaid, and said lands are now in use as a burying ground; and whereas, it is thought proper to preserve said lands so purchased for the purpose of a burying ground; therefore,

Lands to be appropriated for burial of dead.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said lands shall be and remain appropriated to and for the burial of the dead, and to and for no other use or purpose whatever.

Street not to be opened through land

2. *And be it enacted*, That the said lands shall not be used or occupied by any road, street or streets, or other way, or be opened therefor, and that no street or streets, road or roads, or other way, shall from henceforth be laid, used or occupied over, through or upon any part thereof.

Lands may be sold for purposes of burial.

3. *And be it enacted*, That the said Abraham Speer, his heirs and assigns, shall be at liberty to sell and convey any of the said lands in said bounds to any other person or persons, with such conditions, reservations of profits, and perquisites and regulations, as he or they shall annex to such grants, but such conveyance shall operate only to pass such title as shall be necessary to allow the land so to be conveyed to be used and enjoyed only for the purpose of burying the dead, and to and for no other use or purpose whatever, and shall be subject to such reservations and regulations as may be agreed upon by the purchasers, or prescribed as hereinafter allowed.

A. Speer may make rules &c.

4. *And be it enacted*, That the said Abraham Speer, his heirs and assigns, shall and may, from time to time, make and prescribe reasonable rules and regulations for the burying of the dead in the land so within the bounds aforesaid, and for building vaults, digging graves, and for other necessary and proper purposes, and the same to alter and make again as he or they shall deem expedient; *provided*, such rules and regulations are not contrary to the laws or constitution of this state or of the United States.

Proviso.

In cases of sale under execution.

5. *And be it enacted*, That in case any of the said lands lying within the bounds aforesaid, shall hereafter become liable to execution or other process, or subject to any lien, a sale of such lands under such execution or other process, or under

such lien, or any other sale by virtue of legal proceedings taken to enforce the same, shall not pass any other right or title to the purchaser except that of the right to bury the dead within the limits of the land so sold, and such sale shall not, nor shall any other voluntary sale authorize the purchaser or purchasers, their heirs or assigns to, and they shall not disturb the remains of the dead then already buried in such lands so sold.

Approved March 13, 1856.

CHAPTER CIV.

AN ACT to secure to operatives in manufactories, and other employees their wages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no goods, chattels or personal property whatsoever, being in this state, and belonging to any manufacturer or other person or persons, or to any corporation, shall be liable to be removed by virtue of any execution, attachment or other process, unless the party by whom or at whose suit the said execution, attachment or other process was issued or sued out, shall first pay or cause to be paid to the operatives, mechanics and other employees employed by such manufacturer, person, persons or corporation, the wages then owing from such manufacturer, person, persons or corporation to the operatives, mechanics and other employees employed by them; *provided*, the same shall not exceed one month's wages, and in case the sum owing as aforesaid shall exceed one month's wages, then the said party at whose suit such process is sued out, upon paying the said operatives, me-

Lien in favor
of workmen.

Proviso.

chanics and other employees one month's wages, may proceed to execute his process, as he might have done before the passage of this act; and the sheriff or other officer is hereby empowered and required to levy and pay to the plaintiff, as well the money so paid for wages, as the money to be made by virtue of such process.

Duty of the
Sheriff, &c.

2. *And be it enacted*, That if the sheriff or other officer shall, by virtue of any execution, attachment or other process, remove from the possession or premises of any person, persons or corporation against whom such process may be issued, any goods, chattels or personal property, without first paying to the operatives, mechanics and other employees of such person, persons or corporation, their wages, to the amount in the preceding section specified, such goods, chattels or personal property shall not be sold by such sheriff or other officer, so taking or removing the same, until ten days after such removal, and then not until the plaintiff or party at whose suit such goods or chattels are taken as aforesaid shall, before the sale thereof, pay to the operatives, mechanics and other employees of such person, persons or corporation against whom such process is issued, the wages due them at the time of such removal; *provided*, the same shall not in any case exceed one month's wages, and if more than one month's wages is owing to such operatives, mechanics or other employees, then the party by whom or at whose suit such execution or other process is issued, by paying one month's wages, may proceed to execute his process, and sell such goods or personal property; *provided*, the persons to whom such wages may be owing, shall, before the expiration of said ten days after such removal, give notice to the sheriff or other officer holding such process, of the amount of wages due, and claim the same, which notice may be served by delivering the same to said officer, or leaving a copy thereof at his usual place of abode.

Proviso.

Proviso.

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

Approved March 13, 1856.

CHAPTER CV.

AN ACT to alter the township line between the township of North Brunswick and the township of South Brunswick, in the county of Middlesex.

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 Brunswick, lying within the boundaries and description, to wit: beginning on the line between the county of Somerset and Middlesex, near the school-house at Six Mile Run village, and along said line in an easterly direction, to the road known as Ayre's lane, and along the middle of said road to the Trenton and New Brunswick turnpike, and up the middle of said turnpike road to the present line between said townships, shall be set off from the aforesaid township of North Brunswick, and attached to the township of South Brunswick, in the county of Middlesex aforesaid.

Boundaries
of parts an-
nexed to S.
Brunswick.

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

Approved March 13, 1856.

CHAPTER CVI.

AN ACT to authorize the Board of Chosen Freeholders of the county of Passaic, to issue bonds in satisfaction of debts and obligations heretofore issued and contracted.

WHEREAS, the board of chosen freeholders of the county of Passaic, in this state, has become largely indebted for

Preamble.

money borrowed by them, and expended in the construction of a work-house and jail, and for other purposes; and whereas, doubts have arisen as to the legality of said bonds;

Freeholders
authorized
to issue
bonds.

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 Passaic are hereby authorized to issue bonds in their corporate name, and under the common seal of said board, for the payment of or in satisfaction of any bonds or obligations heretofore made or executed, or of any debts heretofore contracted by said board, for the purpose aforesaid; *provided*, that not less than seven nor more than ten thousand dollars of said bonds, to be issued as aforesaid, shall be and become payable in each and every year, from and after the passage of this act.

Proviso.

Money to be
raised by tax

2. *And be it enacted*, That for the purpose of providing for the payment of said bonds, the said board of chosen freeholders of the county of Passaic shall, in addition to the moneys required to be raised for other county purposes and expenses, cause to be raised and collected by tax, not less than seven, nor more than ten thousand dollars, in each and every year after the passage of this act, and shall appropriate the same in payment and satisfaction of the bonds to be issued by them as provided in the first section of this act.

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

Approved March 13, 1856.

CHAPTER CVII.

A FURTHER SUPPLEMENT to the act entitled "An act to establish public schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state superintendent of public schools shall receive for his services and traveling expenses such compensation as the trustees of the school fund shall determine, not to exceed the sum of one thousand dollars per annum. Salary of state superintendent.

2. *And be it enacted*, That it shall be the duty of the town superintendent, or school-committee of each township, annually to present to the township committee of the township, an exhibit of his or their account, in such manner as will show the sources and amount of receipts, and by whom paid, the purposes and amount of disbursements, and to whom paid, and his vouchers, in order that the account may be duly audited by the said committee. Town superintendent.

3. *And be it enacted*, That every teacher employed to teach a public school shall keep a register of all the children attending the school, their names and ages, and the names of their parents and guardians, the date when each child entered and left the school, their daily attendance, and the branches taught; also, to record the day of the month on which the school was visited by the town superintendent, school-committee, or other visitors; a copy of which register shall be filed by the teacher with the town superintendent, or school-committee in the township in which the school is situate. Teacher to keep register.

4. *And be it enacted*, That the trustees of the school fund are hereby authorized to carry into effect the provisions of this act, and the act to which this is a supplement. State trustees.

5. *And be it enacted*, That in case of disagreement of the township superintendents of two or more adjacent townships, in altering or forming a school district, formed or to be formed from two or more adjacent townships, such superintendents shall associate with them the superintendents of the three next adjacent townships, and the decision of the whole num- When districts are formed of two townships.

ber of such superintendents so associated together, or a majority of them, shall be final.

Repealer

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

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

Approved March 13, 1856.

CHAPTER CVIII.

AN ACT to incorporate "the Hope Express Company."

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron D. Hope, Elbridge Vansyckel, Morris S. Stiger and Nehemiah Dunham, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body corporate and politic in law, by the name of "the Hope Express Company," and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity, for the purpose of carrying on a general forwarding and express business, in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money and other articles, from, to and between various parts and places in this state, and beyond the limits thereof, and to do all such things as are incident to a corporation and necessary for the purposes of this act.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same to three hundred thousand dollars, and shall be divided into shares of one hundred dollars each ; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times, in such manner, and upon such notice as the directors of the corporation may appoint.

Amount of
capital stock.

3. *And be it enacted*, That for carrying out the purposes mentioned in the first section, the said company may from time to time procure, hold and use such vehicles, horses and such other personal property as may be needed by them for carrying on their business as aforesaid; and may also purchase, hold and convey so much real estate as may be necessary for the proper transaction of their business.

What pro-
perty may
be held.

4. *And be it enacted*, That the business of the said corporation shall be conducted by not less than five nor more than fifteen directors, one of whom shall be president, one secretary, and one the treasurer; the said directors shall hold their office one year, and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for every share of stock he may hold.

Election of
president.

5. *And be it enacted*, That at the annual meetings of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of the said company during the preceding year, and no dividends shall be declared upon the stock of said corporation except from the net profits thereof, and this act shall continue in force twenty-five years.

Annual
statement to
be made.

Approved March 13, 1856.

CHAPTER CIX.

AN ACT to incorporate the City Blues Artillery Company, of the city of Paterson.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Griffiths, Isaac Van Wagoner, Thomas O. Smith, Cornelius H. Garrison, John Reynolds, Edward G. Ford, and all of the duly elected and enrolled members, and such others as may hereafter be duly elected and enrolled as members of the City Blues Artillery Company, of the city of Paterson, not exceeding one hundred in number, who now or hereafter shall become associated with the City Blues Artillery, be and they are hereby constituted and declared to be a body corporate in fact and in law, by the name of the City Blues Artillery Company.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, and shall be devoted to the erection of an armory, and the procurement of such uniforms and military equipage, and the defraying of such incidental expenses as shall follow said company, and be best calculated to secure the most permanent and efficient military organization.

Election of
president.

3. *And be it enacted*, That said company shall have the power to elect once in each year, or oftener if necessary, a president out of their own body, and such other officers as they shall deem necessary for conducting their affairs according to the constitution and by-laws adopted, or to be adopted by them, and that the said president shall keep in his custody the common seal of said company, and surrender the same to his successor at the expiration of his term of office; and that said company, in their corporate name, may institute suits for the recovery of all fines, dues, debts and arrearages due the said company by the constitution or by-laws thereof.

Approved March 13, 1856.

CHAPTER CX.

A SUPPLEMENT to an act entitled "An act to incorporate telegraph companies."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any company organized, or which may hereafter be organized, under the act to which this is a supplement, to construct a telegraph from Newark to Hackensack, to charge the following rates; for any message not exceeding twenty words in length, to all stations under twenty miles, twenty-five cents; if over twenty miles and under thirty, thirty cents; over thirty miles and under forty, thirty-five cents; and for each additional word over twenty, two cents; to all stations over forty miles and under fifty, forty cents; if over fifty miles, forty-five cents; and for each word over twenty, three cents. What prices may be charged.

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

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

Approved March 13, 1856.

CHAPTER CXI.

AN ACT to authorize Furman Ladow and others to dam off Mill Creek in the township of Downe, county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Furman Ladow, or other parties interested, to dam off Mill Creek, Dam authorized.

Proviso.

in the township of Downe, either at the mouth of said creek, or just below where the public road leading from Dividing Creek to Mauricetown crosses the same, constructing in said dam good and sufficient sluices or flood-gates to let off the back water from the said Ladow's saw-mill; *provided*, that the person or persons constructing the said dam and flood-gates or sluices, first get the consent, in writing, of all property owners on said creek, for the construction of the same.

Approved March 13, 1856.

CHAPTER CXII.

A FURTHER SUPPLEMENT to the act entitled "An act respecting coroners," approved April seventeenth, one thousand eight hundred and forty-six.

Commissioner may act as coroner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if it shall at any time hereafter so happen that a coroner or justice of the peace cannot be had in due time to take charge of any dead body thrown upon any of the shores or coasts of this state by shipwreck, then and in such case and under such circumstances only, it shall be the duty of each and every commissioner of wrecks in the district where any such dead bodies are found, to do all and everything and things in manner and form as required of a coroner to do in the premises, and he shall be entitled to the same fees for his services, and subject to the same fines for the neglect of the duties required, as provided for in the act entitled "An act respecting coroners," approved April seventeenth, eighteen hundred and forty-six, and the supple-

mental acts thereto, any law, usage or custom to the contrary notwithstanding.

2. *And be it enacted*, That any person finding any dead body under the aforesaid circumstances, and informing any properly authorized officer of the same, shall be entitled to receive fifty cents for informing, and five cents a mile for each and every mile traveled in going and returning, provided the information is communicated the same day or as soon after the finding as possible.

Fee for information.

3. *And be it enacted*, That in addition to the fee of two dollars for viewing the body, there shall be allowed to every properly authorized person acting in the capacity of coroner, ten cents a mile for every mile traveled in going after and returning with any such dead body to the place of interment; *provided always*, that when there is more than one dead body no (extra) charges of mileage shall be allowed for more than one, unless there are more than three, in which case mileage shall be allowed in the same ratio; *provided also*, that when it can be avoided, it shall not be lawful to carry more than three in one vehicle at any one time.

Fee to the coroner.

Proviso.

Proviso.

4. *And be it enacted*, That for any dead body found under the aforesaid circumstances in a state of nudity, the officer acting shall provide the necessary grave clothes, in order to a decent interment; *provided*, such grave clothes shall not exceed in cost the amount of one dollar for each and every dead body so found; *provided also*, that in all cases the officers shall act in conformity to the sixth and eighteenth sections of the act to which this is a further supplement.

Grave clothes.

5. *And be it enacted*, That after waiting twenty days, any clothing not necessary in the interment, that may be found on the body of any person so drowned, after due notice, may be sold at auction, and the proceeds, with all money, goods or other property found, or coming into the possession of the coroner, shall be delivered by said coroner to the treasurer of this state, to be by him kept for the benefit of the heirs or legal representatives of such dead person as may apply for and make good his or her claim to the same, and if no such claim is presented within seven years, then any property coming thus into the hands of the treasurer, shall and may be dis-

Clothes &c. to be sold.

posed of as provided for by law in such case, and the proceeds, with any and all monies derived from the same source, shall pass to the credit of the treasury of this state.

Treasurer to
pay fees.

6. *And be it enacted*, That the fees hereinbefore provided for in this act, shall be paid by the treasurer of this state, under the same provisions and regulations as are provided for in the act to which this is a further supplement and the supplements thereto.

Relations
may take
body &c.

7. *And be it enacted*, That nothing contained in this act shall be so construed as to prevent the relations or friends, lawfully claiming any such dead body, together with all clothing and other property, belonging to the deceased, from taking charge of the same.

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

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

Approved March 13, 1856.

CHAPTER CXIII.

A SUPPLEMENT to an act entitled "An act to incorporate the Mount Holly and Eayrestown Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-five.

Road may be
extended.

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 Mount Holly and Eayrestown Turnpike Company to extend their turnpike road from Newbold's corner to the village of Vincentown, subject to the restrictions and provisions of the act to which this is a supplement, except in such points as are hereinafter provided.

2. *And be it enacted*, That it shall and may be lawful for the said company to increase their capital stock to any sum not exceeding twenty-five thousand dollars. Capital stock may be increased.

Approved March 13, 1856.

CHAPTER CXIV.

AN ACT to legalize the will of Margaret Bradford.

WHEREAS Margaret Bradford, late of Scotch Plains, in the county of Essex, and state of New Jersey, did, in her life time, make and execute her last will and testament in writing, under her hand and seal, bearing date the thirty-first day of July, eighteen hundred and fifty-five; *and whereas*, the said will, in consequence of the legal advice given to the person who, at her request, drew the said will, was attested by but one witness; 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 Margaret Bradford, deceased, bearing date the thirty-first day of July, eighteen hundred and fifty-five, so far as the same relates to and disposes of personal estate, be and the same is hereby in all things confirmed; and that the said will and the grants and bequests therein contained be as valid and effectual in law, and have the same force and effect, as though the same had been duly executed in all things required by law for the passing of personal estate. Will confirmed.

Approved March 13, 1856.

LAWS OF NEW JERSEY.

CHAPTER CXV.

A SUPPLEMENT to an act entitled "An act to alter the time of electing Trustees of the First Presbyterian Church in Orange," passed February fourth, eighteen hundred and twenty-nine.

Time of election of trustees.

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 present board of trustees of the said church to continue in office until the second Monday in April, eighteen hundred and fifty-seven, on which day, at the hour of two o'clock in the afternoon, and annually thereafter, at such hour as the congregation of the said church, at their next preceding annual meeting, may have determined, the said congregation shall assemble in their usual place of worship, and proceed to elect trustees for the ensuing current year, in the manner now prescribed by law.

Part of former act repealed.

2. *And be it enacted*, That all acts and parts of acts heretofore passed, so far as they are repugnant to the provisions of this act, be and the same are hereby repealed.

Approved March 13, 1856.

CHAPTER CXVI.

A FURTHER SUPPLEMENT to the act entitled "An act relative to justices of the peace," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to ascertain the number of the justices of the peace which each township or ward may

elect at each annual meeting of the inhabitants thereof, the abstract of the late census taken under the authority of a law of this state, or of any succeeding census taken under the authority of the United States, or of this state, as published by law, shall be conclusive evidence of the number of inhabitants in each township or ward.

Last census
to be guide.

2. *And be it enacted*, That the abstract of the late census taken by authority of the laws of New Jersey, be published with the pamphlet laws of the present session.

Census of
1855.

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

Approved March 13, 1856.

CHAPTER CXVII.

AN ACT to erect an election district in the township of Newton,
in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Newton, lying north of the following line: starting at the junction of Newton Creek with the road leading from Gloucester city to the Haddonfield turnpike, and thence along said road to and extending in a straight line across the Haddonfield turnpike, to Cooper's creek, shall be and the same is hereby declared to be an election district, and all inhabitants therein entitled to vote at all general and town elections, shall vote at a poll to be opened within said limits.

Boundaries
of district.

2. *And be it enacted*, That the first election to be held under this act, shall be held at the school-house in the village of Stockton, in said township of Newton, and each election un-

First elec-
tion.

til otherwise ordered at the annual town meeting of said township; and said election shall be conducted in all respects as elections are now conducted by the several townships of this state.

Opening and
closing of
polls.

3. *And be it enacted*, That there shall be elected at the annual town meeting in the township of Newton, next succeeding the passage of this act, and at every annual town meeting, three judges and one clerk of elections, to conduct the election in said election precinct until others shall be chosen according to law in said precinct, the polls to be open at eight o'clock in the morning, and to be kept open until seven o'clock in the evening.

Mode of con-
ducting elec-
tions.

4. *And be it enacted*, That the township committee of the township of Newton shall provide a suitable election box for the use of said precinct elections, and all persons voting at any election therein shall vote by ballot, and the said judges of election shall forthwith, after the closing of the polls, proceed to canvass the votes taken at said election, and certify the result thereof in the same manner as returning officers are now required by law, and shall file their returns for township officers with the clerk of Newton township; and all other elections therein shall be filed with the clerk of the county of Camden, in the manner, and within the time now required of the election officers in this state, and subject to the same liabilities as such officers are now subject to.

Clerk to give
notice of
election.

5. *And be it enacted*, That it shall be the duty of the clerk of the township of Newton to give notice of the first election authorized by this act, in the same manner as is now authorized by law, and that the judges and clerk of elections shall be entitled to the same fees as is now allowed by law in other townships in this state.

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

Approved March 11, 1856.

CHAPTER CXVIII.

A FURTHER SUPPLEMENT to the act entitled, "An act to incorporate the Paterson and Hudson River Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of the Paterson and Hudson River Railroad Company be and they are hereby authorized to sell and convey or exchange their depot lands and premises in the city of Paterson, and the lands owned by them between said depot and the intersection of said road with the Paterson and Ramapo Railroad, and to exchange the same for, or purchase other lands in the said city for another depot, and for a track or road for said Paterson and Hudson River Railroad from such new depot, south of Market street; and to change the present terminus of their road in the city of Paterson for a terminus at such new depot; *provided*, that this act shall not authorize them to purchase or hold any greater quantity of land than they are now authorized by law to purchase and hold for railroad purposes; *and provided also*, that the lands so to be acquired shall not be used for any but railroad purposes.

Company authorized to sell and purchase lands.

Provide.

Provide.

2. *And be it enacted*, That the president and directors of the Paterson and Hudson River Railroad Company are hereby empowered to make contracts and agreements with the Union Railroad Company, or the New York and Erie Railroad Company, for the purpose of substituting such new depot and track or road in the place of the old depot and track or road.

May make contracts with other companies.

Approved March 13, 1856.

CHAPTER CXIX.

AN ACT to confirm the last will and testament of James Peter Van Horne, late of the city of New York, deceased.

Preamble.

WHEREAS, James Peter Van Horne, late of the city of New York, on the third day of February, eighteen hundred and fifty-four, departed this life without issue, seized of considerable real and personal property in the state of New York, and also of certain lands and real estate in the city of New York, New Jersey, having first made and published, in the presence of two subscribing witnesses, his last will and testament, in his own hand writing, bearing date the eleventh day of August, eighteen hundred and forty-nine, in due form according to the laws of the state of New York, where the said will was made and published, to pass real estate, which said last will has been duly admitted to probate in the said city of New York, and letters testamentary issued to the executors therein named, in and by which last will and testament, among other things, he gives and bequeaths, immediately after the decease of James Van Cortlandt, all his part, being one-third, left to him by will of Cathalina Mercer, of certain lands and real estate situated in the city of New York, to his niece Julia Clarkson Norrie, and also gives and bequeaths her certain personal property; and it appearing by the petition of the said Julia Clarkson Norrie, verified by her oath and by the affidavits of Adam Norrie and John C. Clarkson, the executors in said will named, who have taken upon themselves the execution thereof, and by an exemplified copy of said will to said petition annexed, that the intentions of the testator will be effected by confirming said will; therefore,

Will made
valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last will and testament of James Peter Van Horne, late of the city of New York, deceased, bearing date the eleventh day of August, eighteen hundred and forty-nine, (which will was duly admitted to probate, and letters testamentary issued thereupon to Adam Norrie and

John C. Clarkson, the executors therein named, by the surrogate of the city and county of New York,) and the devise therein contained of lands and real estate within this state, to the said Julia Clarkson Norrie, shall be and the same is hereby declared to be as good and effectual in law, to all intents and purposes, as if the said will had been executed, published, signed and declared in the presence of three subscribing witnesses, in the manner prescribed by law to pass real estate in this state.

2. *And be it enacted*, That Julia Clarkson Norrie, one of the devisees in the will of said James Peter Van Horne, deceased, shall have, take, hold and enjoy the said land and real estate, situated in this state, which was devised to her in and by said will, as fully and completely in all respects as if the said will of James Peter Van Horne had been duly executed in the manner prescribed by law to pass real estate in this state, any law, usage or custom to the contrary notwithstanding.

J. C. Norrie
may hold
real estate
devised to
her by will.

3. *And be it enacted*, That any record of said last will and testament, regularly made and entered in any proper office of this state, and any duly certified copies thereof, and any letters testamentary or of administration, with the will annexed, duly granted thereon, shall be evidence in the same manner, and have the same force and effect as such records or copies thereof, or as such letters would have if said last will and testament had been executed under and published and proved according to the laws of this state, any law, usage or custom to the contrary notwithstanding.

Record of
will or copy
to be evi-
dence.

Approved March 13, 1856.

CHAPTER CXX.

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

Repealer

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

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

Approved March 13, 1856.

CHAPTER CXXI.

AN ACT relative to the purchase of Lippincott's Gazetteer for the use of the common schools.

Purchase of
Gazetteer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state and state superintendent of public schools be authorized to purchase for each of our common schools, a copy of "Lippincott's Pronouncing Gazetteer of the World," at a price not exceeding four dollars and eighty cents per copy, the said gazetteer to be furnished by the state superintendent to the common schools of the state, under such rules and regulations as he may deem proper; and the governor of the state is hereby authorized to draw upon the treasurer for such sum as may be required to carry out this act; *provided*, that no payment

be made on account of the purchase of said book until January, -eighteen hundred and fifty-seven, and that not more than one half of said payment be made before January, eighteen hundred and fifty-eight.

Approved March 13, 1856.

CHAPTER CXXII.

AN ACT to incorporate the Union Works of Willingboro',
Burlington county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin S. Fennimore, George G. Gleason, Charles H. Peart, Benjamin F. Pine and Charles Warner, and their associates, heretofore known as "the Union Works," and their successors and all other persons who shall become stockholders in the corporation hereby created, are constituted a body corporate and politic in law, by the name of "the Union Works of Willingboro', Burlington county," for the manufacture and sale of cutlery in all its branches, said manufacture to be carried on in the township of Willingboro, county of Burlington; and by that name shall have continued succession, shall be capable of suing and being sued in any court of law or equity, shall have power to make and use a common seal, and alter the same at pleasure, and to purchase and hold, mortgage and convey, any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of said company; and the said corporation, hereby created, shall be entitled to all the rights, property and assets of, and be subject to all the debts and liabilities incurred by

Names of
corporators.

General
powers.

the said company heretofore existing and known as "the Union Works."

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each, of which the stock already subscribed and paid shall be deemed and taken as part, with liberty from time to time to increase the same, and the number of shares therein, to any amount not exceeding in the whole the sum of one hundred thousand dollars, which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation, by its by-laws, shall direct; and which stock shall be subscribed, called for and paid in at such times and in such instalments as the directors may from time to time direct and appoint; *provided*, that no instalment shall be for more than five dollars on each share at any one time, or called in at intervals of less than one month.

Proviso.

First directors.

3. *And be it enacted*, That the property and affairs of said company shall be managed and conducted by a board of directors, who shall be residents of this state, not less than three, or more than five in number, shareholders of said company, to be chosen annually, at such time and place in the county of Burlington, in such manner and upon such notice as the by-laws of the said corporation shall direct, who shall serve for one year, and until others are chosen in their stead; and that Benjamin S. Fennimore, George G. Gleason, Charles H. Peart, Benjamin F. Pine, and Charles Warner, now directors of said company, shall be the first directors of said company under this charter, to continue in office until others are elected or appointed in their stead.

Duties and
powers of
directors.

4. *And be it enacted*, That the directors of said company shall choose out of their own number a president, and shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient; they shall have power to adopt by-laws and rules for the government of the said company, not inconsistent with this charter and the laws of this state and of the United States; to fill vacancies in their own board until the next annual election; to declare stock forfeited for non payment of any instalment or instal-

ments, giving at least thirty days previous notice of any call thereof in one newspaper published in the county of Burlington, said notice to be continued therein once in each week, and to sell and issue stock in lieu thereof for the benefit of said company.

5. *And be it enacted*, That the first annual election of directors shall be held at the office of the said company, in Beverly, on the twelfth day of December next, between the hours of twelve o'clock noon, and five in the afternoon of said day; or in case of failure to hold such election, at such subsequent time and place as any two of said directors may appoint and thereof give notice; that all elections of directors shall be by ballot, of which two weeks notice shall be given immediately prior thereto in some newspaper published in the county of Burlington; and that if from any cause an election of directors shall not take place at the appointed time, it shall not work a forfeiture of this charter, but a new election may be held at any subsequent period, upon like notice.

Annual election of directors.

6. *And be it enacted*, That the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of stock actually paid in, of the assets and debts of the company, and that no dividends shall be declared except from the actual profits of the company.

Annual report to be made.

7. *And be it enacted*, That if the directors shall neglect or refuse to call annual meetings of the stockholders at the time prescribed by the by-laws of the company or otherwise, such meetings may be called by any three stockholders, and also any special meeting of the stockholders may be so called by notice thereof, signed by said three stockholders, and published as herein before directed.

Annual meetings may be called by stockholders.

8. *And be it enacted*, That this act shall take effect so soon as the said "the Union Works," at a meeting of the stockholders to be called for that purpose, shall, by resolution, signify their acceptance thereof as the charter of said company; and this act shall continue in force twenty-five years; and it shall be lawful for the legislature of this state, at any time hereafter, to amend, modify or repeal this act, as they may think proper.

Act when to take effect.

Approved March 13, 1856.

CHAPTER CX XIII.

AN ACT providing for the punishment of offences committed on the River Delaware.

Jurisdiction
on Delaware
River.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the juridical investigation and determination of any capital or other offence, trespass or damage hereafter committed within and upon the water of the river Delaware, which this state is entitled to enjoy and exercise, by virtue of the agreement set forth in the act entitled "An act to ratify and confirm an agreement made between commissioners appointed by the legislature of the state of Pennsylvania and commissioners appointed by the legislature of the state of New Jersey, for the purpose of settling the jurisdiction of the river Delaware, and islands within the same," passed the twenty-seventh day of March, one thousand seven hundred and eighty-three, shall belong to and be exercised by the courts and officers of the county lying and being nearest to the place where such offence, trespass or act was committed, as fully and in all respects as if the said place was within the body of such county, and it shall be lawful to describe the said offence, trespass or act as having been committed in or upon the water of the river Delaware in the said county.

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

Approved, March 14, 1856.

CHAPTER CXXIV.

AN ACT to confirm certain acknowledgments of deeds, mortgages and other instruments of writing, taken by Augustus L. Martin.

WHEREAS, it appears to the legislature that Augustus L. Martin was appointed a commissioner for taking the acknowledgment and proof of deeds for the county of Mercer, on the sixth day of March, eighteen hundred and fifty, and that his commission expired on the sixth day of March, eighteen hundred and fifty-five; and that the said Augustus L. Martin was afterwards re-appointed, and was duly sworn into office on the first day of May, eighteen hundred and fifty-five, and that under misapprehension he did, between the two last mentioned dates, continue to take certain acknowledgments and proofs; therefore,

Preamble.

1. 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 of writing taken and certified by Augustus L. Martin, between the sixth day of March, eighteen hundred and fifty-five, and the first day of May, eighteen hundred and fifty-five, 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.

Acknowledgments made valid.

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

Approved March 14, 1856.

LAWS OF NEW JERSEY.

CHAPTER CXXV.

A SUPPLEMENT to an act entitled "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

Width of
roads in
towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That public roads or highways hereafter to be laid out in villages, boroughs or cities, may be less than two rods wide in cases where, by reason of buildings or other permanent erections, they may not be laid out two rods wide, anything in the act to which this is supplementary to the contrary notwithstanding.

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

Approved March 14, 1856.

CHAPTER CXXVI.

SUPPLEMENT to the act respecting fees and costs.

Compensa-
tion to ser-
geant-at-
arms

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

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

Approved March 14, 1856.

CHAPTER CXXVII.

AN ACT to incorporate the "Elizabeth Library Association."

WHEREAS, the persons hereinafter named, and others, have Preamble.
 formed themselves into an association under the name of
 "the Elizabeth Library Association," the object of which is
 the establishment of a library, with all proper conveniences
 and appurtenances, and the erection of a suitable edifice for
 its accommodation, with a view to advance the interest of
 learning generally; and whereas the said association is de-
 sirous of an act of incorporation for the purpose aforesaid
 —therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Names of
the State of New Jersey, That William W. Pinneo, Richard T. corporators.
 Haines, James Jenkins, John T. Gilchrist, John Kean, Wil-
 liam J. Magie, Job S. Crane, Rosewell G. Ralston, and all
 and every other person or persons who are or may become
 their associates, their successors and assigns, shall be and are
 hereby incorporated by the name of "the Elizabeth Library
 Association," and by that name shall be a body corporate and
 politic, and shall be from hereafter capable to hold, by dona-
 tion, purchase, or otherwise, and also to lease and convey real
 and personal estate for the purpose of carrying out the ob-
 jects for which the said association is incorporated.

2. *And be it enacted,* That the capital stock of the said cor- Amount of
 poration shall not exceed seventy-five thousand dollars, which capital stock
 shall be divided into shares of twenty-five dollars each, the
 said association having the power to commence operations
 under this act as soon as the sum of ten thousand dollars is
 subscribed.

3. *And be it enacted,* That on the first Monday after the first Annual elec-
 day of January, eighteen hundred and fifty-seven, and annu- tion of di-
 ally thereafter, an election shall be held, at a general meeting rectors.
 of the stockholders, for thirteen of their number, as directors
 for the ensuing year; and that each stockholder present at
 such election, or by proxy, shall have one vote for each share
 of stock he may hold; and those persons having a majority of
 all the votes thus cast shall be deemed elected, but no stock-

holder shall be allowed to vote, or shall be elected as a director, whose dues to the association are not fully paid; and that the persons particularly named above as incorporators shall constitute a board of directors until others are elected; and that in case an election shall not be made on the day appointed by this act, the corporation shall not for that cause be dissolved, but it shall and may be lawful to hold such election on some other day; and the directors at any time in office shall hold their offices until others are elected; and in case of the death, resignation or removal of any director, the vacancy thereby shall be filled for the remainder of the term by a vote of a majority of the board of directors; three inspectors for the annual election shall be appointed by the directors from the stockholders who are not directors.

Officers of
corporation.

4. *And be it enacted*, That the directors shall choose from among themselves a president and vice-president, and either from among the stockholders generally, a secretary and a treasurer, whose duties shall be performed gratuitously; and the directors shall have authority to appoint a librarian, and such other officers as may be necessary, to establish regulations and restrictions, which shall be binding both upon stockholders and others in the use of books and in the enjoyments of the privileges and objects of the association; and seven directors of the corporation shall constitute a quorum competent to do all business, excepting such business as by the requirements of this act or any by-law of the association shall require more than that number to perform.

Payment of
instalments.

5. *And be it enacted*, That all instalments that may at any time be due from stockholders on the share or shares by them respectively held, shall be paid at such times as the directors for the time being shall appoint; and the non-payment of such instalments, after due notice, shall, if the board of directors so determine, either work a forfeiture of all previous payments, and the stock upon which such instalments shall not be paid as aforesaid, shall revert to the association, and be by them sold for the benefit of the association; or the directors may enforce payment of the same by due course of law.

Stock trans-
ferable.

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

stock shall be transferable only on the books of the association, under such regulations as the board of directors may prescribe.

7. *And be it enacted*, That no state, county, city or other public assessments, taxes or charges whatsoever, shall at any time be levied or imposed upon the said association, or upon the stocks and estates, real or personal, which may become vested in them under this act. No tax to be levied.

8. *And be it enacted*, That this corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable. General powers, &c.

Approved March 14, 1856.

CHAPTER CXXVIII.

AN ACT for the promotion of the agricultural interests of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized, upon the warrant of the governor for that purpose, to pay to the treasurer of the state agricultural society the sum of one thousand dollars for the use and purposes of said society, which said sum of money shall be expended by the officers of said society for the promotion of the agricultural interest of this state. Appropriation of \$1,000

2. *And be it enacted*, That it shall be the duty of the secretary of the agricultural society to make a report annually, Report to secretary of state.

and file it with the secretary of state, of the manner in which the appropriation has been expended.

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

Approved March 14, 1856.

CHAPTER CXXIX.

AN ACT to repeal "A further supplement to an act entitled 'An act for the preservation of sheep,'" approved April fourteenth, eighteen hundred and forty-six.

Repeal of act
of 1855.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to an act entitled 'An act for the preservation of sheep,'" which said supplement was approved March third, eighteen hundred and fifty-five, be and the same is hereby repealed.

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

Approved March 14, 1856.

CHAPTER CXXX.

AN ACT to repeal part of an act authorizing the inhabitants of the townships of Millville, Maurice River and Deerfield, in the county of Cumberland, to vote by ballot, approved March sixth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "An act to authorize the inhabitants of the townships of Millville, Maurice River and Deerfield, in the county of Cumberland, to vote by ballot at their town meetings," approved March sixth, eighteen hundred and fifty-five, as relates to the township of Deerfield, in said county of Cumberland, be and the same is hereby repealed, and it shall and may be lawful for the inhabitants of the township of Deerfield, in the county of Cumberland, to vote at their town meeting as if the said act had not been passed. Part of former act repealed.

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

Approved March 14, 1856.

CHAPTER CXXXI.

AN ACT regulating elections in the township of Franklin, in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Franklin, in the county of Gloucester, and they are hereby authorized to hold their elections for state Time and place of annual elections.

and county officers at the two following named places on the same day, viz: to open the election at Malaga at eight o'clock in the morning, and continue open to receive votes until twelve o'clock noon, and then adjourn to Glassboro', where the polls shall be opened at two o'clock in the afternoon, and continue open until seven o'clock in the evening, to receive votes.

Clerk to give notice.

2. *And be it enacted*, That it shall be the duty of the clerk of said township to set up notices of the times and places of holding said elections, and said elections shall, in all other respects, be conducted agreeably to the regulations provided by law.

Part of former act repealed.

3. *And be it enacted*, That so much of the act regulating elections as is inconsistent with the provisions of this act, is hereby repealed, so far as relates to the township of Franklin aforesaid.

Approved March 14, 1856.

CHAPTER CXXXII.

A SUPPLEMENT to an act entitled, "An act to authorize Jeremiah Stull to construct a dam across the Great Egg Harbor River, at May's Landing, in the county of Atlantic," approved March fourth, eighteen hundred and forty-six.

Preamble.

WHEREAS, Jeremiah Stull, his heirs and assigns, was authorized by the act to which this is a supplement, to construct a mill dam across the Great Egg Harbor river, above Hamilton bridge, at May's landing, for the purpose of creating a water power for manufacturing or other purposes; and whereas, the said authority was given upon the condition

that the said Jeremiah Stull should build and complete suitable gates, and a shute, at least sixteen feet wide, in said dam, so that boats and rafts floating down the river might pass through the same with ease and safety; and whereas, it has been found that the said gates and shute constructed as aforesaid, have been of no practical use or advantage, as neither boats or rafts are floated down said stream, through the same; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners of the said water power, created by the aforesaid act, be and they are hereby exempted from the duty of keeping and maintaining the said gates and shute in the dam of said river, any thing in the said act to the contrary notwithstanding.

Owners exempted from keeping up gates.

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

Approved March 14, 1856.

CHAPTER CXXXIII.

AN ACT to erect an election district in the township of Bergen,
in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That that portion of the township of Bergen lying within the limits of the town of Bergen, as incorporated by an act entitled "An act to incorporate the town of Bergen," passed March twenty-fourth, eighteen hundred and fifty-five, shall and the same is hereby declared to be an

Boundaries of election district.

election district, and all inhabitants therein entitled to vote at all general and town elections shall vote at a poll to be opened within said limits.

First election.

2. *And be it enacted*, That the first election to be held under this act shall be held at the house of Frank Meyers, in said town, and shall be conducted in all respects as elections are now conducted by the several townships of this state, except that the first election shall be held and conducted by any three of the present board of councilmen for the said town of Bergen, who shall open the polls at eight o'clock in the morning, and keep the same open until seven o'clock in the evening.

Mode of conducting elections.

3. *And be it enacted*, That the councilmen holding said election shall provide a suitable election box for the use of said town, and all persons voting at any election therein shall vote by ballot; and the said councilmen shall, after closing the polls, and on the following day, or sooner if they deem it necessary, proceed to canvass the votes taken at said election, and certify the result to the clerk of the township of Bergen, within forty-eight hours after the closing of the polls, in writing, under their hands and seals.

Annual elections.

4. *And be it enacted*, That at the next election for councilmen in said township of Bergen, and annually thereafter, there shall be elected, in addition to the five councilmen, three judges of election, who shall hold all elections within said election district in the same manner as elections are now conducted in the several townships of this state.

Election returns.

5. *And be it enacted*, That the said judges shall make out their returns in the same manner as returning officers are now required to make by law, and shall file their returns for township officers with the clerk of Bergen township, and all other elections therein be filed with the clerk of the county of Hudson, in the manner and within the time now required by the election officers of this state, and subject to the same liabilities as such officers are now subjected to.

Township clerk to give notice.

6. *And be it enacted*, That it shall be the duty of the clerk of the township of Bergen to give notice of the first election authorized by this act, in the same manner as is now authorized by law; and that the judges of election shall be entitled to

the same fees as is now allowed by law in other townships of this state.

7. *And be it enacted*, That the said judges may appoint a clerk of election, who shall hold his office for the term of one year, and perform the same duties and receive the same pay as township clerks now receive.

Approved March 14, 1856.

CHAPTER CXXXIV.

SUPPLEMENT to the act entitled "An act concerning wrecks."

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 appointment of the several commissioners of wrecks of this state shall be made by the judges of the court of common pleas of the respective counties in which the districts are now located, or a majority of such judges are hereby authorized to make appointments of commissioners of wrecks in and for the respective districts within their respective counties; *provided always*, that no such appointment shall be valid without the approval of the presiding judge of the court in which such appointment is to be made, and said commissioners shall continue in office five years.

2. *And be it enacted*, That before any commissioner of wrecks shall enter upon or in any wise attempt to discharge the duties of his office, he shall enter into bond with sureties, to be approved by the court in which he is appointed, in the sum of not less than five thousand, nor more than twenty thousand dollars, at the discretion of the court, and each of the said commissioners shall make a report in writing annual-

ly, and file the same with the secretary of state, containing a full statement of the number of lives lost, and of the names of the masters and vessels wrecked, and in what manner the cargo was disposed of.

Fees.

3. *And be it enacted*, That the said commissioners of wrecks hereafter to be appointed shall be allowed the sum of four dollars for each day necessarily employed in the duties of such offices, and to each boatman there shall be allowed not to exceed three dollars for each day, and four dollars per day for the use of a surf boat, to be paid by the owners of the vessel or cargo, their agents, consignees, the board of underwriters, or others claiming the property saved.

Repealer.

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

Approved March 14, 1856.

CHAPTER CXXXV.

AN ACT to authorize the inhabitants of the several road districts of the township of Frankford, in the county of Sussex, to elect their own overseers.

Overseers of
the roads to
be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the township of Frankford, in the county of Sussex, shall be elected by the legal voters of the several road districts as they may be arranged from time to time by the town committee; and it shall be the duty of the town committee to give public notice, by advertisement put up in three of the most public places in said township, viz.: one at Branchville, one at

Armstrong's store, and one at Wykertown, ten days previously, of the time, which shall be the third Saturday in April in each year; and of the place, which shall be some convenient place in each district, when and where the legal voters of the township residing in the district shall assemble for the purpose of such election, at which time and place such legal voters so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by holding up of hands, or by count, to elect a moderator of such meeting by plurality of votes; and being so organized, the meeting shall proceed as in the election of moderator, to elect an overseer of the highway for one year, for the district, being a resident in the district; the moderator of each district meeting shall immediately thereafter notify in writing, signed by himself as moderator of said meeting, the clerk of the township, who shall enter in the town book the name of the overseer so elected, and also the number of his district; and in case of failure of the person so elected to accept the appointment, the town committee shall fill such vacancy, as in other cases; the overseer of the highway shall account to and settle with the town committee or collector of the township as now required by law to do, or as the town meeting may direct.

Mode of
election.

2. *And be it enacted*, That the said overseer shall be allowed the like compensation, and entitled to and invested with the like powers and privileges, and subject to the same penalties and liabilities as other overseers of the highways under the laws of this state.

Fees.

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

Repealer.

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

Approved March 14, 1856.

CHAPTER CXXXVI.

AN ACT to authorize the Lackawanna Railroad Company, an incorporation of the State of Pennsylvania, to hold real estate in the counties of Essex, Hudson and Middlesex, in the state of New Jersey.

Company authorized to hold real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for "the Lackawanna Railroad Company," incorporated by an act of the legislature of the state of Pennsylvania, on the eleventh day of March, eighteen hundred and twenty-six, to hold real estate in the counties of Essex, Hudson and Middlesex, in the state of New Jersey, not exceeding thirty acres in each of said counties, for the purpose of transacting and carrying on the business for which said company is incorporated.

Approved March 14, 1856.

 CPAPTER CXXXVII.

AN ACT to authorize the inhabitants of the village of Hackensack to improve the sidewalks of said village.

Land owners may improve sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of that part of the village of Hackensack, who are land owners on the line of the main street of said village, between the southerly line of the homestead lot of Peter J. Bogert, and the stores of Banta & Anderson, and H. A. Berry & Co., as soon as the consent of the Bergen Turnpike Company shall be obtained for that purpose, to improve the sidewalks of

said streets, by grading and paving the same, and that it may be done as is hereinafter provided.

2. *And be it enacted*, That as soon as the consent of said company shall be obtained as aforesaid, there shall be an election by said landowners held, of which ten days previous notice shall be given, by any two of them, and put up at three public places in said village, designating the time and place of such election; and said landholders, or such as may attend, shall by a majority of votes, elect, viva voce, some suitable person, being a landholder as aforesaid, who shall be called the village superintendent of streets, and three judicious persons, also landowners as aforesaid, commissioners of assessments; said landowners, when so assembled as aforesaid, shall choose a chairman and secretary to conduct said election, receive and count the votes; and their certificate of the election of the persons to the offices aforesaid shall be evidence thereof.

Election of
superintendent
of streets

3. *And be it enacted*, That the persons elected commissioners as aforesaid, or any two of them, shall make an estimate of the probable cost of grading and paving the sidewalks, where they cross other streets, and along the line of the public green, and other expenses incurred under this act, except the cost of paving in front of each owner's land, and shall apportion the amount among the said landowners in proportion to the number of running feet of land each landowner owns on said street; and the amount so assessed against each landowner shall be paid to said commissioner's within sixty days after written demand thereof shall have been made by said commissioners; and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of a justice of the peace of the township of New Barbadoes, who shall issue a precept, in the nature of a tax warrant, directed to a constable of said township, who shall proceed to collect the amount due from each landowner, in the same manner as township and county taxes are authorized to be collected by the act entitled "An act concerning taxes;" *provided*, that before the said warrant shall issue, such justice of the peace shall be satisfied, by the oath of one of said commissioners, that the amount so claimed against any

Assessment
of costs to
be made

Proviso.

landowner is justly due and unpaid, and that the same hath been demanded as required by this act.

Superintendent to grade and pave streets, &c.

4. *And be it enacted*, That as soon as said assessments shall be made, the said superintendent shall cause the sidewalks of said street to be graded, shall pave the sidewalks where the same cross other streets, with such material and of such width as he shall deem proper, and along the line of the public green, shall procure all necessary materials for the doing thereof, shall make all necessary drains, culverts and other passages for water, and the expenses thereof shall be paid by said commissioners, out of the moneys in their hands collected for that purpose.

Landowners to pave in front of lands.

5. *And be it enacted*, That each landowner shall, at his own cost, pave not less than four feet wide, with a gradual slope towards the street, with good flagging or hard merchantable brick, the sidewalks in front of his lands, and shall conform to the grade established by said superintendent, under whose direction the work shall be done.

Proceedings in case of refusal to pave

6. *And be it enacted*, That if any landowner shall neglect or refuse to pave the sidewalks in front of his land aforesaid, within three months after he or she shall be notified by said superintendent to do so, the said superintendent shall proceed to have the same done, and he shall recover, in his own name, the expenses thereof, (which shall include the cost of materials, carting and labor,) from such landowner, in an action of debt, before any court having cognizance thereof, and the declaration in any such action may be general, stating that the demand is for so much money paid, laid and expended, in paving the sidewalks in front of his land, by virtue of this act, and that the special matters may be given in evidence under it.

Sidewalks to be kept in repair.

7. *And be it enacted*, That after said sidewalks shall be graded and paved as aforesaid, each landowner shall thereafter keep the same in good and sufficient repair in front of his or her lands; and in case of neglect or refusal, said superintendent shall cause the same to be so kept, and the expenses thereof shall be by him recovered against such landowner so refusing or neglecting, in the manner provided in the next preceding section of this act.

8. *And be it enacted*, That said commissioners shall render to said landowners full and detailed statements of all moneys collected and expended by virtue of the provisions of this act; and any three landowners may call a general meeting of landowners to have such statement made, by giving five days previous notice of the time and place of meeting in three public places in said village, and also by giving like notice to said commissioners, either personally or leaving a copy at their usual place of abode, to attend such meeting and render such statement; and in case any commissioner shall neglect or refuse to attend and render such statement, his office shall be considered vacant, and some other person, being such landowner, shall be appointed by such meeting in his place; and any commissioner for the time being, may recover, in an action of debt, any moneys remaining unexpended in the hands of such removed commissioner, and which he shall neglect or refuse to pay over to his successor in office.

Statement of
expenditure
to be made.

9. *And be it enacted*, That assessments may be made, from time to time, as is provided in the third section of this act, for the purpose of keeping said sidewalks, where they cross other streets, and along the line of the public green, in sufficient repair; and that such assessments shall be collected and paid in the manner mentioned in said section.

Assessments
may be made

10. *And be it enacted*, That whenever the persons owning land on the street running parallel with main street, or on any cross street connecting said streets, shall determine by a majority of votes (each landowner to be entitled to one vote for every fifty running feet of land owned by him or her on such street, and each landowner to be entitled to one vote at least) to grade and pave any such street, such street shall thereafter be subject to the provisions of this act, and said superintendent and commissioners shall proceed to have the same graded and paved in the same manner as if such street had been mentioned and included herein; any landowner on such street may call a meeting of landowners under this section, by a written notice put up in three public places in said village, five days previous to the day of meeting, and designating the time, place and object of such meeting; and said landowners, when assembled, shall choose a chairman and secre-

Landowners
desirous of
paving may
call meeting.

tary, who shall determine the number of votes to which each landowner is entitled, receive orally and count the votes, and their certificate of such determination shall be evidence thereof.

Taxes to be paid over to commissioners.

11. *And be it enacted*, That all taxes heretofore raised for the purpose of repairing the sidewalks of said village, and unexpended, shall be paid to said commissioners, who shall apply the same as the other assessments mentioned in this act.

Compensation to superintendent and commissioners.

12. *And be it enacted*, That said superintendent and commissioners shall hold their offices for one year, or until others shall be elected, unless sooner removed, as is herein provided; and they shall each be entitled to receive one dollar per day for each day they shall respectively be engaged in the execution of their offices under this act.

Public act.

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

Approved March 14, 1856.

CHAPTER CXXXVIII.

AN ACT relating to the Camden Brigade.

Officers of brigade.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Camden brigade, and the several uniform companies belonging to the same, shall be officered in all respects as is the army of the United States.

Part of former act repealed.

2. *And be it enacted*, That so much of the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, and all other acts, so far as relates or applies to the Camden brigade, being inconsistent with this act, be and the same are hereby repealed.

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

Approved March 14, 1856.

CHAPTER CXXXIX.

AN ACT to amend an act entitled an "An act to incorporate the Jersey Little Falls Manufacturing Company," passed November fourteenth, eighteen hundred and twenty-three, and the supplement thereto, approved February eighteenth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey Little Falls Manufacturing Company be, and they are hereby authorized and empowered to levy one or more assessments on each and every share of the capital stock of said company, at the times and in the manner hereinafter provided; but such assessments shall not in the whole exceed the sum of one dollar per share, and the amounts so levied shall, when collected, be appropriated first to the payment of any debt or debts then due by said company, and the residue shall be appropriated to the improvement of the property of the said company. Assessments may be made

2. *And be it enacted*, That the directors of said company, or a majority of them, may, at any regular or special meeting thereof, fix and determine the amount of any assessment, and the time and place when and where the same shall be paid; they shall then cause a notice of said assessment to be published in one or more of the newspapers published in Paterson and Newark, and also in at least one of the daily newspapers published in the city of New York, which said notice Notice of assessments to be published.

shall be published for at least two successive weeks, and shall state the amount per share of such assessment, the time and place when and where the same shall be paid, (which said time shall not be less than thirty days after the first publication of such notice,) and that in case such assessment shall not be paid on or before that day, the shares on which assessment shall remain unpaid will be forfeited and sold at public auction; a written or printed copy of such notice shall be served personally on each of the stockholders whose names shall appear on the books of said company, or the same shall be left at his, her or their residence or place of business, or shall be put in the post office, addressed to his, her or their last known place of residence or business, at least two weeks previous to the time named for the payment of such assessment.

Proceedings
in case as-
sessments
are not paid.

3. *And be it enacted*, That if any assessment on any of the shares of the capital stock of the said company shall remain unpaid after the time named in the notice provided for in the second section of this act, the directors of said company, or a majority of them, shall have power, by resolution, to declare such shares forfeited, and may cause the same to be sold at public auction, at the office of the company in the city of Newark; notice of such sale shall be published for at least ten successive days, in one or more of the daily newspapers published in the city of New York, and also in at least one of the newspapers published in Paterson and Newark; and at such sale the shares owned by each stockholder shall be sold separately, and shall be struck down to the person who shall bid the highest sum therefor, over and above the assessment thereon, and upon the payment by the purchaser of the amount of such assessment, together with the amount of such bids, the said company, by its proper officers, shall issue new certificates for such shares to the purchasers, respectively, in the usual forms, and thereupon the old certificates of the shares so sold shall be cancelled in law, and be utterly null and void, and the absolute title to such shares shall be thenceforth vested in such purchasers and their legal representatives and assigns; the amounts paid for such shares over the assessment and the expenses of the advertisement and sale shall be held by the said company to the use of, and subject to the order of the

original shareholders respectively, their legal representatives and assigns.

4. *And be it enacted*, That in all cases where the stock of said company shall be hypothecated as security for loans and debts, and the owner or owners of such stock shall not pay the assessment upon the same, it shall be lawful for the party or parties holding such stock as security to pay the said assessment, and he or they shall thereafter hold such stock as security for the re-payment of all assessments paid by him or them, with the interest thereon, in addition to the original loan or debt. Hypotheca-
tion of stock.

Approved March 14, 1856.

CHAPTER CXL.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Sparta Manufacturing Company," passed January twenty-fourth, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of said company be and they are hereby authorized and empowered, to lay plank on their granted railroad, agreeably to the provisions of a supplement to an act incorporating the said Sparta Manufacturing Company, in the county of Sussex, passed the twenty-eighth day of February, eighteen hundred and fifty-four, any thing in the act and the supplement thereto, to which this is a supplement, to the contrary notwithstanding. Company
authorized
to lay plank
on road.

2. *And be it enacted*, That the said company be allowed a Rates of toll.

toll for the transportation over said road of all ores or other property, not to exceed five cents a ton per mile, and that no wagon be used for the carting or transporting of articles thereon with fellows less than four inches wide, with tire to correspond thereto.

Approved March 14, 1856.

CHAPTER CXXI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Medford and Tuckerton Turnpike Company," approved March twenty-fifth, eighteen hundred and fifty-two.

Commission-
ers changed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the said act as appoints Jonathan Oliphant, Daniel Coates, Charles Collins, William W. Flemming, William Richards, Nicholas Sooy Thompson, John R. Slack, Isaiah Adams, Thomas Page, Daniel Milbine, Timothy Pharo, Absalom Smith and Archelaus R. Pharo, commissioners under said act, be and the same is hereby repealed, and that William Braddock, junior, Jonathan Oliphant, Robert B. Stokes, William C. Porter, Benjamin F. Shreve, Isaac Glover, William Dyer, William Richards, Daniel Milbine, William Keeler, Samuel Thackara, Charles Collins, Abraham P. Stackhouse, and Dudley Ballinger, be and the same are hereby appointed commissioners, and invested with all the rights and powers conferred by said act on the original commissioners.

Commission-
ers may open
books.

2. *And be it enacted*, That nothing contained in the third section, of which this is a supplement, shall in any wise impair the right of said commissioners to open books of subscription, and construct a turnpike road, as hereinafter pro-

vided, with all the powers and privilege of said act, as fully as if the said section had not been repealed.

3. *And be it enacted*, That so much of the second section as requires the capital stock of said company to be fifty thousand dollars, be and is hereby repealed, and that said capital stock be fifteen thousand dollars, with the privilege of increasing the same to thirty thousand dollars. Amount of capital stock

4. *And be it enacted*, That so much of section third as requires that eight hundred shares of said capital stock be sold before said commissioners be authorized to call a meeting of said stockholders, be and the same is hereby repealed, and that as soon as three hundred shares of said stock be subscribed, the said commissioners be empowered to act as provided by said third section. When company may commence.

5. *And be it enacted*, That so much of section sixth as requires said company to construct and make a turnpike road on or near the present mail route from the village of Medford, in the county of Burlington, to the village of Tuckerton, in the same county, be and the same is hereby repealed; and that it shall and may be lawful for said company to construct or make a turnpike or plank road along the old Atsion road, and thence to Tuckerton; and that it shall and may be lawful, as soon as three miles of said road are constructed, to place gates on said road, and collect toll, as provided for by the eighth section of the original act. Route of road.

6. *And be it enacted*, That so much of the sixth section as requires said turnpike road to be thirty-two feet wide, and graveled the width of fourteen feet, be and the same is hereby repealed; and that said company have power to construct said road, not less than twenty-five feet wide, and graveled not less than twelve feet. Description of road.

Approved March 14, 1856.

CHAPTER CXLII.

SUPPLEMENT to an act entitled "An act to punish frauds committed on the incorporated banks of this state, and for the better regulation of said banks," approved April fifteenth, eighteen hundred and forty-six.

Banks to
make quar-
terly reports.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the banks established in this state, either by special act of the legislature, or by association, pursuant to the act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the several supplements thereto, in addition to the statement of their affairs and condition now required by law to be made on the first day of January in each and every year, and forwarded to the treasurer of this state, shall also be required to make a like statement, in all respects, with the one mentioned in the fifth section of the act to which this is a supplement, on the first Monday in the months of January, April, July and October, and at no other time during the continuance of such banks; and that each bank shall cause its statement thus made and sworn to, in the manner prescribed in said fifth section, to be published in a newspaper printed in the county in which such bank shall be located, within six days after the making of said statement, and if there be no newspaper published in the same county where such bank is located, then such publication shall be made in a newspaper published nearest to said bank, a duplicate of which said statement shall also, within ten days after the making thereof, be forwarded to the secretary of state, to be by him filed in his office.

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

Approved March 14, 1856.

CHAPTER CXLIII.

AN ACT to incorporate the Salem Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Bassett, William F. Reeve, Richard M. Acton, Richard Grier, Samuel Abbott, Isaac Johnson, Abram Richmond, David Petit, Joseph Jessup, Charles P. Smith, Samuel C. Harburt, James Brown, Lewis S. York, and such other persons as may 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 Salem Railroad," and shall be capable of purchasing, holding and conveying lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Names of
corporators.

2. *And be it enacted*, That the amount of the capital stock of said company shall be four hundred thousand dollars, with liberty to increase the same to eight hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their 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 at such place or places as they, or a majority of them, may think proper, giving at least twenty days notice of the same in two of the newspapers published in this state, and that at the time of subscribing five per centum shall be paid for each share subscribed for, to the commissioners or some one of them, and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose thirteen directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder

Commission-
ers to receive
subscriptions.

Election of
directors.

thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and shall deliver over the subscription books and moneys paid in, deducting all expenses previously incurred, to the said directors, and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this state; and in 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.

Duties and
powers of
directors.

5. *And be it enacted*, That seven 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 non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said 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.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad, from a point in the town of Salem, or within one mile thereof, to any point on the West Jersey Railroad, at Woodbury, or south thereof, which the directors may deem most eligible, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is hereinafter provided; *provided* Proviso. *always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located, be made by the company, either to the owner or into court, as hereinafter provided for, before they, or any person under their direction or in their employ, shall enter upon or break ground in the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

Company
authorized to
construct
road.

7. *And be it enacted*, That when the said company, or its

Proceedings
in case com-
pany and
owners can-
not agree.

agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, 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 hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal 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 affirmation aforesaid, in the clerk's office of the coun-

ty in which the land or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section 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.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or

Parties aggrieved may appeal.

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 the filing of the aforesaid report.

Proviso.

Company may purchase engines, &c.

9. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on 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.

10. *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, of the net profits of said railroad.

Penalty for injuring works.

11. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages or machines, 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 a court or jury, to be by them recovered in 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.

What real estate may be held.

12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient, for the safety of property and 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 main-

tain, on or 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.

13. *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 the said company.

Annual statement to be made.

Proviso.

14. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct 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.

Corporation may borrow money.

15. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to

State may take road on payment of amount reported.

Mode of ap-
praisement.

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 their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of the said road, and of all the receipts and disbursements of the company; *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 valuation of said road with the lands and appendages thereof.

Proviso.

Company
may make
arrange-
ments with
West Jersey
R. R. as to
running, &c.

16. *And be it enacted*, That the railroad company hereby incorporated, and the West Jersey railroad company, may jointly make regulations as to connections and running their trains, and in case of disagreement upon any one or more points therein, the same shall be referred to three arbitrators, selected by the parties, each choosing one, and they the third, whose decision thereon shall be final and conclusive.

Time for
completion
of road.

17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of seven years from

the fourth day of June next ensuing, that then and in that case this act shall be void.

18. *And be it enacted*, That this act shall continue in force Limitation. fifty years.

Approved March 14, 1856.

CHAPTER CXLIV.

AN ACT to authorize Rachel Taylor to convey certain real estate.

WHEREAS, Cesar Taylor, a colored person, in the month of Preamble. June, one thousand eight hundred and fifty-four, died seized in fee of a certain lot of land situate in the township of Franklin, in the county of Somerset, and state of New Jersey, but left no heirs-at-law, but left Rachel Taylor, his widow, him surviving, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Rachel Taylor be and she is hereby authorized and empowered to sell the said lot of land, which contains six acres more or less, and is situate in the township of Franklin, county and state aforesaid, and adjoining lands of Abraham Vector and John H. Voorhees and others, and to convey and make a good and sufficient title for the same, in fee, to the purchaser; *provided*, that the purchaser R. Taylor authorized to sell land. shall take the same subject to payment of the debts of the said Cesar Taylor, and all other lawful liens. Proviso.

Approved March 14, 1856.

CHAPTER CXLV.

AN ACT relative to freights and fares on certain railroads in this state.

Rates for
passengers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Belvidere Delaware Railroad Company, and the Flemington Railroad and Transportation Company, to charge ten cents for each passenger for the whole distance carried whenever the present legal rates shall not amount to said sum.

Rates for
freight.

2. *And be it enacted*, That it shall be lawful for the said companies to charge five cents for the whole distance carried for each hundred pounds of merchandise or other species of property, other than hereinafter mentioned, whenever the present legal charges shall not amount to said sum.

Rates for
coal, lime &c

3. *And be it enacted*, That it shall be lawful for the said companies to charge three cents for the whole distance carried for each hundred pounds of stone, coal, lime, sand, shells, ashes, iron ore, pig iron and fire wood, when in quantities of a car load or more, whenever the present legal rates shall not amount to said sum.

Act to take
effect not-
withstand-
ing charters.

4. *And be it enacted*, That this act shall take effect notwithstanding anything in the respective charters of said companies, which conflicts with the provisions hereof.

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

Approved March 14, 1856.

CHAPTER CXLVI.

Act relative to the Geological Survey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, or the person administering the government thereof, be and he is hereby authorized to draw from any unappropriated money of the state, the sum of twenty-five thousand dollars, to be appropriated under his direction, to the continuation of the geological survey of this state, authorized by an act approved on the second day of March, eighteen hundred and fifty-four, and for engraving the maps of the counties of Sussex and Cape May, already prepared by the officers of said survey.

Appropriation.

2. *And be it enacted*, That there shall be printed for the use of the state, one thousand copies of the report and map of the county of Sussex, and five hundred copies of the report and map of the county of Cape May, of which the treasurer of this state shall deliver duplicate copies of each to the county clerks of the counties of this state, one copy to each member of the present legislature and the officers thereof, and one hundred copies of each to the governor of this state, for distribution by him to the public institutions of this state and of the United States, and the residue shall be sold under the direction of the said treasurer at a price not less than three dollars for the report and map of Sussex, and not less than two dollars for the report and map of Cape May, and the proceeds of such sales to be paid into the treasury of this state.

Maps to be printed.

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

Approved March 14, 1856.

CHAPTER CXLVII.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the City of Trenton," passed the seventh day of March, in the year of our Lord, one thousand eight hundred and thirty-seven.

Mode of conducting elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all annual and other elections hereafter held in said city, for city or ward officers, the election shall open at eight o'clock in the morning, and close at seven o'clock in the evening, at the several places of holding the same, and the same qualifications for voters shall be required as at elections for state and county officers; such city elections shall be held and conducted by the same officers elected at the last preceding annual city election, and authorized by law to conduct the election for state and county officers, and said officers shall take the same oath or affirmation, and conduct such elections and make returns thereof in the same manner as township officers of elections are or may be required by law to do, and shall be vested with the same powers and authority, entitled to the same compensation and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state may be subject to; and in case of the absence, death, incompetency or refusal to serve at any such election, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies of the townships of this state.

Council may order tax.

2. *And be it enacted*, That it shall and may be lawful for the common council of said city to order, and cause to be assessed and raised by tax, from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses of said city, and for all purposes for which they are authorized by the act to which this is a further supplement to raise money, to be assessed and collected in such manner as the said common council may have heretofore by ordinance directed, or shall hereafter by ordinance direct; which taxes, when collected, shall be paid into the hands of the treasurer of the said city, to be subject to the order of the said common council; *provided*, that it shall not be lawful for the common

Proviso.

council to raise by taxation in any one year in the general assessment, an amount of money that shall cause a greater rate on the real and personal estate of the citizens than seventy cents to the hundred dollars, unless the same shall be approved by a vote of the citizens at a special election, which the common council are hereby authorized to order to be holden.

3. *And be it enacted*, That sections nine, twelve and thirteen of an act entitled "A further supplement to an act entitled "an act to incorporate the city of Trenton," passed the seventh day of March in the year of our Lord one thousand eight hundred and thirty-seven, which further supplement was approved April tenth, eighteen hundred and fifty-five, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Certain sections repealed.

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

Approved March 14, 1856.

CHAPTER CXLVIII.

AN ACT to incorporate "the Union Ferry Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James C. Fairbank, James Mitchell, Augustus Whitlock, Ralph H. Isham, John Allen, Augustus C. Kellogg, and James C. Blake, and such persons as may become associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate by the name of "the Union Ferry Company," for the purpose of conducting and managing a ferry from and to that portion of the New Jersey shore which lies southerly of the Elizabethtown creek, in the city of Elizabeth, in the county of Essex,

Names of incorporators.

General
powers.

in the state of New Jersey, Staten Island, in the state of New York, Bergen Point, in the county of Hudson, in this state, and the city of New York, for towing vessels, rafts, floats, and for carrying freight; and they and their successors and assigns, in their corporate name, shall be and hereby are made capable in law, to have, purchase, receive, hold and enjoy, all kinds of estate, real and personal, which may be necessary, useful or proper for the purposes of the said ferry, and the same to grant, demise, alien, pledge, convey or dispose of, and to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, for the purposes mentioned in this act.

Commission-
ers to receive
subscriptions.

2. *And be it enacted*, That the said James C. Fairbank, James Mitchell, Augustus Whitlock, Ralph H. Isham, John Allen, Augustus C. Kellogg and James Blake, or a majority of them, shall be commissioners to receive subscriptions and distribute the capital stock in said company, who shall open a book or books for such subscriptions, at such times and places as they, or a majority of them, shall think proper.

Election of
Directors.

3. *And be it enacted*, That the stock, property and affairs of the said company shall be managed by seven directors, being stockholders, a majority of whom shall be citizens of this state, one of whom shall be president, who shall hold their offices for one year, and until others are elected in their stead; the first directors shall be elected at a meeting of the stockholders, to be called by the said commissioners, or a majority of them, at such place and time, after five thousand dollars of the said capital stock shall be subscribed and distributed, as the said commissioners, or a majority of them, shall think proper; and thereafter the directors shall be chosen by the stockholders, at such time and place as may be provided by the by-laws of the said company; public notice of the time and place of holding every such election, and of all other meetings of the stockholders, shall be given not less than twenty days previous, in one or more newspapers printed in the said city of Elizabeth; every stockholder shall be entitled to a vote, either in person or by his authorized agent or proxy, at all meetings of the stockholders, upon each share of the stock held by him or her.

4. *And be it enacted*, That the holders of the majority of the whole stock subscribed and paid, so far as called in, at any meeting duly convened, shall have power (all the holders of such majority concurring) to establish any by-laws, rules and regulations; and give any instructions in relation to the management, control and disposition of the affairs and property of the company, which are not inconsistent with other of the provisions of this act, the constitution or laws of this state or of the United States, and the same to alter, modify and repeal; and the seven stockholders, who shall at any regular election have the greatest number of votes, shall be directors; such directors, or a majority of them, so chosen, shall at all times conform to said instructions, by-laws, rules and regulations of the stockholders, and may, for the well ordering of the affairs of the said company, appoint their president and such officers, superintendents and agents, with such compensation as they may think proper, and may remove the same at their pleasure, and shall also have power to fill any vacancy that may occur among the directors by death, resignation or otherwise; to manage and control the property of the said company; and may ordain and establish such further by-laws and regulations as they may deem necessary or convenient for the management and disposition of the stock, effects and concerns of the said company, and may do and perform all other acts pertaining to the estate, property and effects of the said company, and the disposition thereof; *provided*, the same are not inconsistent with or repugnant to the by-laws, rules, regulations and instructions of the stockholders, the laws or constitution of this state or of the United States.

Duties and
powers of
directors.

Proviso.

5. *And be it enacted*, That the capital stock of the said company shall not exceed one hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each; and it shall be lawful for the said company to commence their said business as soon as five thousand dollars of the said capital stock shall be subscribed and paid, or satisfactorily secured; and thereafter the directors, or a majority of them, may receive subscriptions for such part of the balance of the said capital stock, and distribute the same, from time to time, as they may deem necessary; and the directors, or a majority of

Amount of
capital stock.

them, may call in from the stockholders, respectively, all such sums by them subscribed, at such times, and in such instalments as they may deem proper, under penalty of forfeiture of the shares, and all previous payments thereon, if such payments be not made within thirty days after notice requiring such payment shall have been published four weeks in a newspaper published in said city of Elizabeth, and in a newspaper published in the county of Hudson.

Transfers to
be registered

6. *And be it enacted*, That the capital stock shall be deemed personal property, and transferable in such manner as the by-laws of the company shall direct; but no transfer of such stock shall be valid or effectual until such transfer shall be entered or registered in the books to be kept by the directors for that purpose; and no transfer shall be made of any stock whereon any sum or instalment be paid, without the consent of a majority of the directors; and until such payment, no dividend shall be paid upon such shares, but may be applied to such payment.

Corporation
not dissolved
for failure
to elect on
day pre-
scribed.

7. *And be it enacted*, That in case it should at any time happen that an election should not be made at the time when pursuant to the provisions of this act it ought to be made, the company hereby incorporated shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of the said company.

Books of ac-
count to be
kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, and shall give to the stockholders, whenever by them required at a regular meeting, a full statement of all the affairs of the company.

Stockhold-
ers may call
public meet-
ings.

9. *And be it enacted*, That any stockholder owning two-fifths of the stock holden, may, by giving notice in one or more newspapers published in the said city of Elizabeth, for four weeks successively, at least once in each week, and serving a copy of such notice upon a majority of the directors, call a public meeting of the stockholders for any of the purposes authorized by this act.

Approved March 14, 1856.

CHAPTER CXLIX.

A SUPPLEMENT to an act entitled "An act to incorporate the Crosswicks and Trenton Turnpike Company," approved the seventeenth day of March, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Crosswicks and Trenton Turnpike Company are hereby authorized and empowered to construct a branch turnpike road, from their main road near the school house, in the village of Sand Hills, in the county of Mercer, along or near the public road leading from said village, to a point at or near the village of Allentown, in the county of Monmouth, with the same rights and privileges, and under the same restrictions, except as hereinafter mentioned, as are provided in the act to which this is a supplement.

Branch road
authorized.

2. *And be it enacted*, That for the purpose of enabling the said company to construct the said branch turnpike road, it shall be lawful for the said company to increase their capital stock to the sum of forty thousand dollars, to be divided into shares of fifty dollars each; and that the directors of the said company for the time being, or a majority of them, may open subscription books and receive subscriptions to the said capital stock, in like manner and upon the same terms as directed in the first and second sections of the act to which this is a supplement.

Capital stock
increased.

3. *And be it enacted*, That it shall be lawful for the said company to erect and maintain, along the lines of both the main and branch turnpike roads, and upon and within the lines of the original public roads, along or upon which the said main and branch turnpike roads are or shall be constructed, gates and convenient and proper toll-houses or buildings for the toll-gathers along the lines of said turnpike roads; and it shall be lawful for the said company to demand and receive toll, according to the provisions of the act to which this is a supplement, for traveling each mile, and all fractions over one-half a mile, of the said roads, not exceeding the rates specified in said act.

Toll houses
may be erected.

Tolls in case
branch road
is out of
repair.

4. *And be it enacted*, That if at any time the said branch turnpike road shall not be in good traveling condition, according to the requirements of the charter of incorporation of said company, the said company shall have full privilege to collect toll on the main road, (it being in good traveling condition,) without collecting toll for traveling on the said branch road.

Public meet-
ing for ac-
ceptance of
act.

5. *And be it enacted*, That before this act shall become operative against the said company, it shall be accepted by a majority in value of the stockholders who shall attend a meeting thereof, to be held at the inn of Moses R. Quigley, at Sand Hills aforesaid, upon at least twenty days notice of such meeting; published in two newspapers printed and published in this state; and at such meeting, each stockholder shall be entitled to one vote for every share of stock that he or she may hold, to be given in person or by proxy; and a certificate of such acceptance, signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted.

When com-
pany may
construct
road.

6. *And be it enacted*, That the said company shall not construct said branch turnpike road along said public road mentioned in the first section hereof, until the same shall be vacated according to law, for the purposes of constructing the said branch turnpike road thereon; *provided*, that nothing in this act contained, shall be deemed or construed in any wise to affect any suit or suits now pending against the said company.

Proviso.

Approved March 14, 1856.

CHAPTER CL.

AN ACT to promote the safety of travelers upon the Paterson and Hudson River Railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson and Hudson River River Railroad Company, be and they are hereby authorized to straighten parts of their road between Paterson and the Boiling Spring, in such manner as they may deem necessary for the more safe transit of passengers on the same, and after locating and filing in the office of the secretary of state the route of said alterations, they shall be authorized to enter upon, use and acquire title to the lands occupied by the same, under the provisions of the act incorporating said company, which shall thereafter for all purposes be considered and taken as parts of their railroad.

Company
authorized
to straighten
road.

Approved March 14, 1856.

CHAPTER CLI.

AN ACT to amend an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, be and they are hereby authorized to contract for, or make any other arrangement with any person or corporation, for the introduction of pure and wholesome water

Mayor and
council may
contract for
supply of
water.

Proviso.

into said city, for domestic and other purposes, and provide for the payment therefor, whenever the assent of two-thirds of the votes cast at any annual charter election shall be in favor of the same; *provided*, that no contract or other arrangement shall be so made at a higher rate than the established water rates paid by the citizens of Jersey City; all provisions in the charter of the city of Hoboken conflicting with the foregoing are hereby repealed.

Approved March 14, 1856.

CHAPTER CLII.

AN ACT to incorporate the Burlington and Columbus Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "Burlington and Columbus Turnpike Company," and George W. South, William F. Newbold, Samuel W. Taylor, William T. Hopkins, William B. Price, Caleb Rogers, Peter H. Ellis, George Black, Thomas Larza-leer, Benjamin Gibbs, John Bishop, Jr., John S. Curtis and Watson Newbold, 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 thereto, by publishing the same in at least two of the newspapers of Burlington county.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing the same to any sum that may be necessary to carry into full effect the object of this act, and not exceeding thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, and at the time of subscribing to said stock, two dollars and fifty cents shall be paid on each share subscribed for, to the said commissioners, or any one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and the residue of said stock shall be paid to the said treasurer, in such instalments, and at such times and places, as the board of directors of said company shall from time to time direct, and give public notice thereof in manner as aforesaid, and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of every person so failing to pay said instalments, or any of them, to and for the use of said company.

Amount of
capital stock.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, may call a meeting of the said stockholders, giving at least twenty days notice thereof, in manner as aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot from among their number, seven directors, for the term of one year, and until others shall be appointed, a majority of whom shall be citizens of this state, of which election the commissioners, or a majority of them, shall be judges, and at the expiration of said term and annually thereafter, upon like notice being given as aforesaid, by the existing board of directors, the stockholders shall elect by ballot seven directors as aforesaid, and the judges of said election shall be appointed by the president of said company; and at every election by the stockholders, one vote may be given for each share of stock by the holder thereof, either in person or by proxy, and the board of directors may regulate

Election of
directors.

and determine the time of the year for the regular annual meeting of the stockholders, of which due notice shall be given as aforesaid; and if from any cause, any election hereinbefore mentioned, shall not be had at the time specified, the same may be held at any other time, on like notice as aforesaid, and the officers of the preceding year shall hold their respective offices until others shall have been elected in their places; and that this charter shall not be defeated or avoided by the reason of the irregularity or want of such election.

Duties and
powers of
president.

4. *And be it enacted*, That as soon as conveniently may be, after the first and each subsequent annual election of directors, they shall elect from their members a president of said company for one year, and until another shall be elected, who shall be a citizen of this state, and a resident of the county of Burlington, and who shall receive such compensation for his services as the board of directors may determine on; he shall keep the seal of the company and preside at all meetings of the board, and in case of his absence the said board shall appoint one of their number for the time being, who shall possess the same power and authority and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer and other officers and agents of said company such security for the due performance of their respective trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board or by the stockholders owning one-fourth of the whole stock subscribed, by giving notice thereof as aforesaid, and stating the object for which the meeting is called; but no business shall be transacted at such special meeting unless it be represented by a majority of the stock subscribers, and then held by the stockholders.

Annual
statement to
be made.

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

Company
authorized
to construct
road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, with the necessary bridges, beginning in the city of Burlington,

near the eastern edge of Assiscunk creek, at the forks of the public roads from Burlington city to Bordentown and from Burlington to Columbus, thence running mainly on the said Columbus road, with some variation in some places, to Columbus, thence continuing on, partly on the Mount Pleasant road, and by the most eligible route, until it shall intersect the road from Georgetown to Jobstown, in the vicinity of Sarah Bowne's house, and further it shall be lawful for the said company to continue said road by the most eligible route until it shall intersect the road from White Hill to Wrightstown, or the Monmouth road; and the said company may, by its officers, agents or any other persons in their employ, from time to time, and at all times, enter upon and pass over all lands to search for stone, gravel, sand, clay or other materials for constructing and repairing said road, doing no unnecessary damage to said land, *provided*, before said company shall close their gates or turnpikes and collect toll, they shall pay the respective owners of the land over which the road shall pass, all damages which they shall sustain, over and above the advantages they shall respectively derive, by reason of the construction of said road, if any such there be, and in case the said company and any of said land owners cannot agree upon the amount of said damages as aforesaid, then they shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining damages for materials taken from landowners for the construction of said road.

Description
of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel or other material, to make a good, firm and even road at all seasons of the year, and be so graded that in its progress no part of the said road shall rise above an angle of four degrees with the plane of the horizon, and the said company shall make and keep in good repair all necessary bridges on said road, and wherever said road, in passing over low ground, shall be raised so much at its sides as to render carriages passing on said road liable to overset, the said company shall cause good and sufficient rail-

ings or fenders to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings
in case com-
pany and
owners can-
not agree.

8. *And be it enacted*, That it shall be lawful for the said company, their engineers, agents, superintendents and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon and pass over any and all lands contiguous or near to said road, and as far distant therefrom as they may find it expedient, to obtain the necessary materials for the construction and repairing of said road, doing as little damage thereto as possible, and repairing any breach they may make in the enclosures thereof, and to make and maintain all such ditches and underdrains across and through such lands as may be necessary for the proper draining of said road, and also to take and carry away therefrom, all stone, gravel, sand, clay, earth or other material, suitable for making and repairing said road, passing over the most eligible routes for and with said materials, and with the power to make and repair temporary roads and bridges for that purpose, where needful; and in case any of the said landowners shall not be willing to give the materials and the right of way as aforesaid, or either, for the use as aforesaid, and the said company or their agents cannot agree with them or their legal representatives as to the price to be paid for the same, then either party, after giving ten days notice thereof in writing to the opposite party, stating the time and place, may apply to any disinterested justice of the supreme court of this state, or any judge of the court of common pleas of the county of Burlington, whose duty it shall be forthwith to appoint three discreet, disinterested and impartial freeholders of said county, commissioners to ascertain the price and value of such materials as may be required by said company, and all damage to be sustained by reason of their removal or right of way as aforesaid, 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 said county, to be by him filed as a public record, and shall be recorded by said clerk, and certified copies taken if required by either party, and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon and remove all such materials, and use and enjoy all such right of passing to and fro therewith, as have been appraised as aforesaid, and when by reason of any legal incapacity, or the absence of the owner or owners of such lands or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any and every award made in behalf of any such person, by commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of said owner or owners.

9. *And be it enacted*, That as soon as the said company shall have constructed the aforesaid turnpike road from the city of Burlington, through Columbus, to the said Georgetown and Jobstown 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 all necessary gates or turnpikes across the same, and to demand and receive toll for traveling over each and every mile of said road, and for every fraction of a mile, over a half mile, 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 calves, sheep or hogs, five mills;

For every dozen horses, mules or cattle, two cents; and in the same proportion for a greater or less number, and it shall and may be lawful for the toll-gatherers or other agents to stop all persons riding, leading or driving any horses, mules, cattle, sheep, calves, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*,

Proviso.

that nothing in this act shall be construed so as to entitle said company to demand or receive toll of or from any person passing to or from public worship, which he or they usually attend, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person in passing to or from one part of his farm on which he resides to another part thereof, on the ordinary business of said farm, or any other part of his land which is detached therefrom, and is in his own occupancy, and not more than one mile distant therefrom.

Milestones to
be erected.

10. *And be it enacted*, That before said company receive toll for traveling on said road, they shall cause milestones or durable posts to be erected and maintained at the end of every mile, and on each one shall be legibly marked the distance it is from Burlington, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a plainly printed list of the rates of toll which may be lawfully demanded; also, a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for
obstructing
passage.

11. *And be it enacted*, That all drivers of carriages, wagons, sleighs or sleds, of every kind and description, whether of burthen or of pleasure, or persons on horseback, using the said road, when met by any other carriage, wagon, sleigh or sled of any kind or description, or persons on horseback, shall each keep to the right, in the passing direction; and also, when any carriage, wagon, sleigh or sled, of any kind or description, whether of burthen or of pleasure, or persons on horseback, shall be overtaken by any other carriage, wagon, sleigh or sled, of any kind or description, or by persons on horseback, coming up from behind, then the said foremost one of whatever kind it may be, shall also keep to the right, so as to always and in both cases allow a free, clear and unobstructed passage by either way at his or her left hand side, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passing, and will sue for the same, with costs of suit, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Penalty for
injuring
works.

12. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile marks so erected on

said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or any other appurtenance of said road, that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of ten dollars, beside being subject to an action for damages for every such offence, 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 or her carriage, team or horses, turn out of said road to pass a gate or gates, upon private grounds adjacent thereto, and enter on the road again, with evident intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay ten times as much as the legal toll would have been if he had passed through said gate or gates, to be recovered by the said company for the use thereof, in an action of debt with costs of suit.

13. *And be it enacted*, That if any toll-gatherer shall necessarily delay or hinder any traveler, passing through any of the gates or turnpikes of said road, 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.

Penalty for
taking illegal
tolls.

14. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which hereafter may be erected thereon, in good repair, and complaint thereof in writing shall be made by three responsible persons of the county of Burlington, to a judge of the court of common pleas of said county, who may be disinterested, the said judge shall then forthwith, give notice to the president of said company, or to the keeper of the nearest gate or turnpike to the cause of complaint, setting forth the nature thereof, and that if the cause of complaint, if any, be not removed within three days after such notice is served, or the gate or gates thrown open and free of toll, he will then appoint in writing, under his hand and seal, three reputable, discreet and disinterested persons, not of the township or townships where the

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

cause of complaint arose, which three persons or a majority of them, on due notice being given to the president or the keeper of the said nearest gate or turnpike, at least three days beforehand, shall meet at such time and place as the judge may appoint, and having taken an oath to act impartially, shall proceed to view and examine the said turnpike road or bridge so complained of, and they, or a majority of them, shall report to the said judge in writing, under their hands and seals, whether it be in such a state as the law requires it to be kept, and if the report be unfavorable to the turnpike road or bridge, the said judge shall immediately, in writing, under his hand and seal, order the keeper of said gate or turnpike to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of said judge to open the said gate or turnpike, exact toll of travelers, he shall, for every such 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 one dollar, and the persons appointed one dollar each, to be paid by the company, unless said report be in favor of the road, and also that there was not sufficient cause for said complaint, in which case it shall be borne by the complainants, and upon due proof being made before the said judge, by the said company or their agents, that said company have repaired said road or bridge, in the particulars complained of, said judge shall forthwith by license, under his hand and seal, directed to the toll-gatherer aforesaid, 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.

When road
may be com-
menced.

15. *And be it enacted*, That this act shall continue in force thirty years, and that nothing in this act shall be construed to affect the title of the owners to the lands over which said road may pass, or from whence materials may have been taken for its construction, and the said company shall not construct said turnpike road until the public road now running from Burlington city, through Columbus, to the said Georgetown and Jobstown road, be first vacated according to law; and if the said turnpike road be not commenced with-

in three years from the passage of this act, and shall not be completed from Burlington city to the Georgetown and Jobstown road as aforesaid, within five years from the passage of this act, then this charter shall be null and void, and after defraying all the expenses that may have been incurred, the residue of the moneys paid in shall be divided among the subscribers, and their respective representatives, in the proportion severally paid by them.

Approved March 14, 1856.

CHAPTER CLIII.

Act to defray incidental expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named, the following sums, viz.: Certain incidental charges ordered to be paid.

1. To John Van Brunt, for services and expenses as one of the commissioners to codify school laws, sixty-three dollars. (\$63.)

2. To D. Naar, for printing bill for house of assembly, thirty extra copies of "Water Front, Jersey City," upon order of J. D. Ward, two dollars. (\$2.)

3. To John C. Grant, for stone posts and work, eight dollars and fifty cents. (\$8.50.)

4. To Trenton Water Works, for supply of water to state house to October first, eighteen hundred and fifty-six, one hundred and fifteen dollars. (\$115.)

5. To Sylvester Van Sickell, for work and furniture for state house, seventy-one dollars seventy-five cents. (\$71.75.)

6. To T. W. Whiter, for publishing in Hoboken Gazette, notice of military parade, by order of adjutant-general, two dollars. (\$2.)

7. To F. F. Patterson, for publishing notice in the Bridgeton Chronicle, two dollars. (\$2.)

8. To Louis C. Vogt, for publishing notice in the Morristown Banner, two dollars. (\$2.)

9. To A. A. Vance, for publishing notice in the Jerseyman, two dollars. (\$2.)

10. To Sharp & Chew, for publishing notice in National Standard, two dollars. (\$2.)

11. To Orrin Pharo, for publishing notice in Monmouth Inquirer, two dollars. (\$2.)

12. To Mrs. J. Palmer, for publishing notice in the Mount Holly Mirror, two dollars. (\$2.)

13. To Samuel R. Hamilton, late quartermaster-general, for freight on state arms paid by him, seven dollars ninety-three cents. (\$7.93.)

14. To Thomas B. Pierson, for re-mounting one six pound cannon in possession of Highwood Guards of Hoboken, eighty-five dollars. (\$85.)

15. To J. T. Hatfield, for freight, cartage and ferriage paid on one box of muskets sent for alteration to Hitchcock & Co., by order of adjutant-general Hamilton, three dollars fifty cents. (\$3.50.)

16. To David Naar, for printing assembly bill number fifteen, relative to public schools, ten dollars. (\$10.)

17. To C. J. Ihrie, state librarian, for expenditures and services, forty-five dollars fifty cents. (\$45.50.)

18. To R. M. Smith, for the expenses of sale of lands in Hunterdon county, late of Michael Karkuff, which escheated to the state, one hundred and thirty dollars eighty-six cents. (\$130.86.)

19. To R. M. Smith, for cash paid Margaret Cory for work to state house, thirty dollars. (\$30.)

20. To R. M. Smith, for cash paid R. Grinslade for manure and work to state house grounds, forty-seven dollars twelve cents. (\$47.12.)

21. To John M. Vancleve, for appraising property at the lunatic asylum, twenty-one dollars. (\$21.)

22. To John Q. Carman, for appraising property at the lunatic asylum, eighteen dollars. (\$18.)

23. To Henry B. James, for clock for senate chamber, twenty-eight dollars. (28.)

24. To Ralph Green, for work on state house, forty-eight dollars five cents. (\$48.05.)

25. To William A. West, for ice for court rooms, eleven dollars two cents. (\$11.02.)

26. To Caleb E. Pitman, for carriage hire for committee to lunatic asylum, twelve dollars. (\$12.)

27. To Edmund Williams, for work on state house, painting and glazing, one hundred and sixteen dollars sixty-three cents. (\$116.63.)

28. To B. S. Disbrow, for furniture and work, forty-three dollars thirty-seven cents. (\$43.37.)

29. To B. W. Titus & Co., for articles for state house, sixty-four dollars ninety-three cents. (\$64.93.)

30. To Camden and Amboy Railroad and Transportation Company, for freight on boxes of books, four dollars and fifty-six cents. (\$4.56.)

31. To Henry Cook, for small table for state house, two dollars. (\$2.)

32. To Upton and Miller, for coal burner and zinc for clerk in chancery, nineteen dollars and fourteen cents. (\$19.14.)

33. To Phillips and Howell, for boards, thirty-three dollars and forty-six cents. (\$33.46.)

34. To Trenton Gas Light Company, for gas to March fourth, eighteen hundred and fifty-six, eighty-nine dollars and seventy cents. (\$89.70.)

35. To Anthony Rowley, for articles for state house, sixty-seven dollars and ninety-five cents. (\$67.95.)

36. To Joseph G. Brearley & Company, for three bills for articles and work at state house, three hundred and thirty-four dollars and eighty-two cents. (\$334.82.)

37. To William Watts, for work on state house roof, thirty dollars and thirty-seven cents. (\$30.37.)

38. To Peter I. Clark, for services as commissioner to codify public school laws, forty-five dollars. (\$45.)

39. To Francis Price, Junior, for services as private secretary of the governor, during the present session of the legislature, three hundred dollars. (\$300.00.)

40. To J. A. Sherman, tin can and alcohol for court of chancery, one dollar. (\$1.00.)

41. To William R. Barrickle & Co., for three bills for articles for the state house, twenty-three dollars and seventy-five cents. (\$23.75.)

42. To Morris R. Hamilton, for publishing militia parade in New Jersey Herald, two dollars. (\$2.)

43. To William A. Benjamin, for postage stamps furnished by order to senate and assembly, twelve hundred and forty-one dollars and eighty-five cents. (\$1241.85.)

44. To John K. Tindal, for work at state house, seven dollars and twenty-five cents. (\$7.25.)

45. To Titus H. Stout, for making fires in the state house, and general work and services, one hundred and twenty-five dollars. (\$125.)

46. To C. Scott & Company, for stationery for the court of errors, eighty-two dollars and thirty cents. (\$82.30.)

47. To C. Scott & Company, for blank books, notarial seals and stationery, for office of secretary of state, eighty-seven dollars and ninety-three cents. (\$87.93.)

48. To A. E. Donaldson, for advertising notice of parade of militia, by order of the adjutant-general, two dollars. (\$2.)

49. To John Lanning, for carting arms to the state arsenal, two dollars and fifty cents. (\$2.50.)

50. To Joseph G. Brearley & Company, for hardware for state arsenal, eleven dollars. (\$11.)

51. To William Pearson, for repairing powder flasks at state arsenal, seven dollars. (\$7.)

52. To Camden and Amboy Railroad and Transportation Company, for freight on arms and cartage, two dollars and eighty-eight cents. (\$2.88.)

53. To Charles Brearley & Company, for articles furnished state arsenal, fourteen dollars and eighty-two cents. (\$14.82.)

54. To J. S. & B. M. Fish, for coal for state arsenal, twenty-seven dollars and seventy-five cents. (\$27.75.)

55. To Lewis Perrine, for cash paid 'Squire Manning for collecting state arms, five dollars. (\$5.)

56. To Henry Thoene, for coloring bayonet frogs, eight dollars. (\$8.)

57. To C. Scott & Company, for paper for state arsenal, seven dollars and twenty-five cents. (\$7.25.)

58. To Schoonmaker & Dutches, for work to cannon carriage, five dollars. (\$5.)

59. To Frederic Hannon, for making two percussion locks for cannon, twenty dollars. (\$20.)

60. To Thomas Sagar, for painting and materials for two gun carriages, nineteen dollars and seventy cents. (\$19.70.)

61. To C. Scott & Company for stationery furnished the house of assembly, as per two bills, six hundred and fifty-nine dollars and sixty cents. (\$659.60.)

62. To C. Scott & Company, for stationery furnished the governor, sixty-eight dollars and twenty-one cents. (\$68.21.)

63. To C. Scott & Company, for stationery for treasurer's office, one hundred and eleven dollars and five cents. (\$111.05.)

64. To C. Scott & Company, for stationery for library and other offices, as per three bills, ninety-two dollars and thirty-seven cents. (\$92.37.)

65. To C. Scott & Company, for stationery for supreme court and clerk, one hundred and thirty-one dollars and fifty-five cents. (\$131.55.)

66. To James Murphy, for articles furnished for state house, two dollars and one cent. (\$2 01.)

67. To Hugh Holmes, for stationery, as per two bills furnished the senate, six hundred and thirty-six dollars and eighty-two cents. (\$636.82.)

68. To William Pearson, to work and materials for state house, twenty dollars and twenty-six cents. (\$20.26.)

69. To John Lanning, for carting boxes and books to and from state house, three dollars, (\$3.)

70. To David Clark, for stationery for house of assembly

nine hundred and sixty-three dollars and fifty-nine cents. (\$963.59.)

71. To Hugh Holmes, for stationery for house of assembly, eleven hundred and eighty-nine dollars and sixty-eight cents. (\$1189.68.)

72. To Charles Brearley & Company, for knives and scissors for house of assembly, two hundred and five dollars and forty-three cents. (\$205.43.)

73. To Charles Brearley & Company, for materials for state arsenal, fifteen dollars and sixty-seven cents. (\$15.67.)

74. To S. H. Blackwell, for work in the different offices and library at state house, as per bill, seventy-five dollars and five cents. (\$75.05.)

75. To William M. Force, for cash paid for seal press for supreme court, six dollars and twenty-five cents. (\$6.25.)

76. To O. Vanderhoven, for publishing military parade notice in the Paterson Guardian, two dollars. (\$2.)

77. To John Lanning, for services of his son as page to the governor, at the state house, sixty-seven dollars. (\$67.)

78. To C. Scott & Company, for stationery and articles furnished to engrossing clerk of house of assembly, seventy-seven dollars and thirty-seven cents. (\$77.37.)

79. To C. Scott & Company, for stationery and articles for clerk in chancery, twenty-one dollars and twelve cents (\$21.12.)

80. To Caleb E. Pitman, for two sleighs to take military committee to state arsenal, five dollars. (\$5.)

81. To Thomas H. Chapman, in full payment of his bill against the state for expenses and services on a requisition of the governor, one hundred dollars. (\$100.)

82. To Joseph G. Brearley & Company, for merchandise by order of the senate committee, one hundred and fifteen dollars and thirty-four cents. (\$115.34.)

83. To David Clark, for articles furnished senate, sixty-eight dollars and eleven cents. (\$68.11.)

84. To William Kerwood, for walnut desk for chancery office, twelve dollars. (12.)

85. To Caleb E. Pitman, for taking committee to state prison, five dollars. (\$5.)

86. To C. Scott & Company, for stationery for senate, eight hundred and nineteen dollars and sixty-two cents. (\$819.62.)

87. To Boswell & Phillips, for articles for the use of clerk's office of supreme court, ten dollars fifty cents. (\$10.50.)

88. To David Clark, for stationery at the opening of the session for senate and assembly and for court of chancery, treasurer and library, as per six bills, two hundred and ninety-five dollars seventy-eight cents. (\$295.78.)

89. To C. Scott & Company, for twenty-four copies of Nixon's forms for the senate, forty-eight dollars. (\$48.)

90. To William Darmon, for patent leather valise and fixtures on paper case, as per two bills, three dollars eighty-seven cents. (\$3.87.)

91. To Camden and Amboy railroad company, for freight on five cases of guns and cartage, four dollars thirty-three cents. (\$4.33.)

92. To Edward J. Pitcher, for his services as assistant clerk, during the present session of the legislature, two hundred and seventy-six dollars.

93. To William Beatty, doorkeeper, one dollar per day, and each assistant one half of a dollar per day, in addition to their per diem allowance.

94. To Fish & Green, for bill of lumber, dated July sixth, eighteen hundred and fifty-four, four dollars and ninety cents. (\$4.90.)

95. To Edmund Morris, editor State Gazette, for printing orders from adjutant-general and governor's proclamation, twenty-eight dollars and thirty-seven cents. (\$28.37.)

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

Approved March 14, 1856.

CHAPTER CLIV.

AN ACT to authorize the erection of a draw or swing bridge over the Mullicus river.

Freeholders
authorized to
build 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 boards of chosen freeholders of the counties of Burlington and Atlantic, to build and maintain a good and sufficient bridge over the Mullicus river, at or near Chestnut Neck, in the township of Galloway, in the said county of Atlantic, to a point opposite, in the township of Little Egg Harbor, in the county of Burlington, with a suitable draw or swing therein, which said draw or swing shall be at least thirty-five feet in width, for the convenient passage of all vessels navigating the said river.

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

Approved March 14, 1856.

CHAPTER CLV.

AN ACT to incorporate the Columbus and Kinkora Turnpike Company.

Commission-
ers to receive
subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Columbus and Kinkora Turnpike Company shall be opened by Clayton G. Atkinson, Peter Harvey, John Bishop, Junior, Thomas Wainwright, Chalkley Atkinson, or

a majority of them, who are hereby appointed to receive subscriptions to said stock at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Burlington.

2. *And be it enacted*, That the capital stock of said company shall be four thousand dollars, with privilege of increasing it to ten thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when eighty shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and style of the "Columbus and Kinkora Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Amount of
capital stock

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in instalments at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in manner aforesaid; and upon failure of the payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company.

Payment of
instalments.

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

Act void if
stock is not
subscribed
for in cer-
tain time.

5. *And be it enacted*, That when eighty shares of said stock

Election of
directors.

be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, who shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice being giving by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, who shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy.

Duties and
powers of
president.

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

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 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 deter-

mine 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, to regulate the transfers of the stock and the general government of the company and management of its affairs; *provided*, Proviso. the same are not repugnant to the constitution and laws of this state or of the United States.

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

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

10. *And be it enacted*, That if from any cause an election hereinbefore named, shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election. 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 from Columbus to Kinkora, in the county of Burlington, beginning at low water mark of the Delaware river at Kinkora, thence Description of road.

up the bed of Delaware and Hanover railroad, till it strikes a point opposite to the Columbus steam mill; thence to the public road leading from Columbus to Burlington, in said village, by the most convenient route, with privilege of building it from Kinkora to Brown Point, on the river Delaware, on the bed of the Delaware and Hanover railroad, which said turnpike road shall not exceed sixty-six feet in width, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material, to make a solid, firm and even road at all seasons of the year; and the said sixteen feet shall be so graded that in its progress no part of it 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 sixteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained at the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents or other persons in their employ, enter, from time to time, and at all times, upon all lands to search for stone, gravel, sand or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case said owners and said company cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike road.

Provide.

Proceedings
in case com-
pany and
owners can-
not agree.

12. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of

burthen and draft, and all necessary materials and tools, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands, necessary for properly draining said road, and to take and carry away 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 said lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known or in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said lands and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the place and

time appointed, and to view and examine the said lands and materials and make a just and equitable appraisement of the value of the same, and assessments of damages, to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof, under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain on record therein; and shall be recorded by the said clerk, which report, or a copy of it, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and cost, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand being made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said judge shall tax and allow such costs, fees and expenses to the judge, clerks, commissioners and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall in all cases be paid by the company

Rates of toll,

13. *And be it enacted*, That as soon as the said company shall have constructed, in a workmanlike manner, the said road, according to the several directions in the eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile, and all fractions over half a mile, of 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 toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be 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.

Proviso.

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

Mile stones
to be erected

15. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without paying the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action 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 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

Penalty for
injuring
works.

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

Penalty for
taking illegal
tolls.

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

Penalty for
obstructing
passage.

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

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

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall for each offence forfeit and pay the sum of twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of

suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report as aforesaid, to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint. -

19. *And be it enacted*, That whenever the said company shall have completed any two consecutive miles of the said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll-gate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rules. When gates
may be erected.

20. *And be it enacted*, That this act shall continue in force thirty years, and if the said road be not commenced within three years, and completed within six years from the passage of this act, that then and in that case this act shall be void; 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." Limitation.

Approved March 14, 1856.

CHAPTER CLVI.

A FURTHER SUPPLEMENT to the act entitled, "An act to provide for the incorporation of Insurance Companies," approved March tenth, eighteen hundred and fifty-two.

May increase
capital stock

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any joint stock company, organized under the said act, to increase the amount of their capital in the manner hereinafter mentioned; the directors of such company, or a majority of them, shall file in the office of the secretary of state a declaration of their intention to increase their capital, and they shall publish notice of the same for thirty days, in the manner prescribed in the third section of said act.

Mode of
proceeding.

2. *And be it enacted*, That it shall be lawful for the said directors; or a majority of the same, after having published the notice before mentioned, and filed a copy of the same, with proof of publication, in the office of the secretary of state; to open books of subscriptions for said increase of capital, and keep the same open until the full amount thereof shall be subscribed; and they shall for forty days after opening said books, give the stockholders in said company the privilege of subscribing for said stock; and if at the end of said time they shall not have subscribed for the same, then other persons may subscribe therefor.

Provisions
of former act,
to be follow-
ed.

3. *And be it enacted*, That the whole of the increased capital shall be paid, and may be invested, and an examination thereof shall be made, and a certificate of such examination filed, as is provided in the said act; and thereupon the said increase shall be deemed a part of the capital of said company, subject to all the provisions of said act applying to the same.

Approved March 14, 1856.

CHAPTER CLVII.

AN ACT to incorporate the Gravelly Ridge Turnpike Company, of the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall hereafter become subscribers to the capital stock hereinafter 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 Gravelly Ridge Turnpike Company," of the county of Salem; and that John S. Wood, Benjamin Acton, Calvin Belden, Edward Van Meter, Thomas D. Bradway, James P. Powers, and Lewis H. Dowd-ney, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one of the Salem county newspapers.

Commission-
ers to receive
subscription-
s.

2. *And be it enacted*, That the capital stock of the said company shall be three thousand dollars, with the privilege of extending it to any sum not exceeding five thousand dollars, and shall be divided into shares of twenty-five dollars each; that at the time of subscribing to said stock, the sum of two dollars shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and give public notice thereof in manner aforesaid; and that upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by any one person, for the first ten days after

Amount of
capital stock.

the books shall have been opened by the said commissioners, shall not exceed one hundred.

Election of
directors.

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

Officers of
corporation.

4. *And be it enacted*, That as soon as conveniently may be, after the first and subsequent annual elections of directors, they shall elect from their number a president, secretary and treasurer of said company for the term of one year, or until others shall be elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence, the said board shall appoint

some one of their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer and other officers and agents of said company such security for the due performance of their respective duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

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

Annual
statement to
be made.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road on or near the present public road leading from Jericho to Quinton's bridge, by Wood's lower and upper mills; the said turnpike road beginning at or near the bridge over the raceway of Wood's lower mill, and running as straight a course as practicable, to or near the bridge over the raceway of Wood's upper mill; and the said turnpike shall be sufficiently arched and drained to make and keep the same dry; at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other materials, to make a solid, firm and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall construct, keep in repair and maintain good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the 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

Description
of road.

Proviso.

time to time, and at all times, upon all lands, to search for stone, gravel, sand or clay, for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and said owners cannot agree upon the amount of said damages, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone or gravel, or other materials, from his or her lands, for the construction or maintaining of said turnpike road.

Proceedings
in case com-
pany and
owners can-
not agree.

Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay or earth therefrom, suitable for constructing and maintaining said road as aforesaid; *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 and break ground in the premises, (except for the purpose of surveying said route,) unless the consent of the owner or owners of said land, or their legal representatives, be first had and obtained; and if the owners of the lands and materials as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, or a judge of the court of common pleas of the county of Salem,

who is disinterested in the premises, upon application by either party, and after ten days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by the said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation, faithfully and impartially to execute the duties thereof, and after ten days notice, in writing, to both parties, of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Salem, to be filed as a public record, and certified copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the said county, at the first term to be holden after such decision of the commissioners, by proceeding in the form of a 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 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 commissioners, then judgment shall be given, with costs of suit, against the company, and execution issue, if need be; but if the said jury be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners award, then the cost shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the

Parties aggrieved may appeal.

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 lands or materials shall be *feme covert*, under age, *non compos mentis*, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all which proceedings, as well under this as the sixteenth section of this act, shall be at the proper cost and charges of the said company, except in cases of appeal, as above provided.

Rates of toll.

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

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

And if drawn by two, two cents per mile;

For every additional beast, five mills;

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

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

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

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

Proviso.

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

9. *And be it enacted*, That before the said company shall receive toll for traveling on said turnpike road, they shall cause mile stones or posts to be erected or maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Wood's lower mill or Wood's upper mill, 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."

Milestones to be erected.

10. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones or posts so erected on the said road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure or destroy any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his carriage, team or horse, turn out of said road to pass a gate or gates on private 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 the sum of five dollars, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for injuring works.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than

Penalty for illegal tolls.

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 and recovered for the sole use of the person so unreasonably hindered and defrauded.

Penalty for obstructing passage.

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

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

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

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

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

Road may be
made free.

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

Statement of
costs to be
filed.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road

Act when to
take effect.

is authorized to be located and made, are vacated as public highways according to law.

Restrictions
and liabilities.

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.

Limitation

18. *And be it enacted*, That this act shall continue in force thirty years.

Approved March 14, 1856.

CHAPTER CLVIII.

AN ACT to incorporate the Bordentown and Columbus Turnpike Company.

Commission-
ers to receive
subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Bordentown and Columbus Turnpike Company shall be opened by George B. Wills, Charles P. Aaronson, Joseph E. Troth, Benjamin Gibbs, Samuel Hand, junior, Charles Mickle, Daniel P. Mershon, junior, George Black and William Steele, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Burlington.

Amount of
capital stock.

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

the same to twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company, by the name and style of "the Bordentown and Columbus Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

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

Payment of
instalments.

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

Act void if
shares are
not taken in
certain time

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

Election of
directors.

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, who shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy.

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors shall elect from their number a president of their said company, who shall be a citizen of this state, and resident of the county of Burlington, who shall hold office for one year, and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of 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 of the county of Burlington, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and directions of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfer of the stock and the general

government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States. Proviso.

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

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

10. *And be it enacted*, That if from any cause an election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that, until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election. Company 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 from Bordentown to Columbus, in the county of Burlington, beginning at or near the public wharf on the river Delaware, in the main street in Bordentown; thence along the public road leading from Bordentown to Columbus, the most approved course, to a stake in the main street or road in Columbus, with the privilege to straighten certain points along said road; which said turnpike road shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or Description of road.

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 five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands, for the construction or maintaining of said turnpike road.

Proviso.

Proceedings
in case com-
pany and
owners can-
not agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and 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 might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and to take and carry away stones, gravel, clay, sand, earth or other material, 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 material so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or ma-

terials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain on record therein, and shall be recorded by the said clerk, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company, in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

13. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the eleventh section and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile, and all fractions over half a mile of 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 toll-gatherer to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said

proviso.

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, not exceeding one mile from his residence, 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.

14. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause milestones or posts to be erected and maintained, one for each and every mile in use on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Bordentown, 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 in large letters, "Keep to the right, as the law directs."

Milestones to be erected.

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

Penalty for injuring works.

16. *And be it enacted*, That if any toll-gatherer shall unne-

Penalty for illegal tolls.

cessarily delay or hinder any traveler, passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

17. *And be it enacted*, That all the drivers of carriages, sleighs or sleds, of every kind and description, whether of burthen or of 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 said road free and clear for other carriages, sleighs or persons on horseback to pass; that 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 and her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

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

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road, and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed or a majority of them, on application from said company, again to

view the said road or bridge, and report as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

19. *And be it enacted*, That whenever the said company shall have completed any three consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll-gate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates; *provided*, said company shall not erect a gate on said road north of the road leading to Stever's mills.

When company may receive toll.

Proviso.

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

Public road may be used.

21. *And be it enacted*, That if the said road be not commenced and completed within three years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations."

Act void if road is not completed in certain time.

22. *And be it enacted*, That this act shall continue in force for and during the term of twenty-five years, and that the legislature may at any time alter, modify or repeal the same.

Limitation.

Approved March 14, 1856.

CHAPTER CLIX.

AN ACT to incorporate the Hackensack and Harrington Plank Road Company, in the county of Bergen.

Stockholders incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become stockholders in pursuance of this act, are hereby constituted a body corporate, by the name of "the Hackensack and Harrington Plank Road Company."

Amount of capital stock

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

Election of directors.

3. *And be it enacted*, That whenever five thousand dollars of the capital stock of this company shall be subscribed, a meeting of the stockholders shall be called at some convenient place by the commissioners hereinafter named, by advertisement published in some newspaper circulating in the county of Bergen, and also put up in three public places in each of the townships of Hackensack and Harrington, at least twenty days previous to the day of the meeting, for the purpose of choosing seven directors of said company; and the persons then chosen shall be the first directors of said company, and shall hold their office for one year or until others are appointed in their stead.

Company authorized to construct road.

4. *And be it enacted*, That the said corporation is hereby empowered to lay out, construct, and during its existence, maintain a road from and commencing at the northerly line of the road of the Bergen turnpike company, near the gravel pit of said company, and thence following the main road, as it now runs or may hereafter be laid, through the Teanuck and Schraalenbergh neighborhoods, in the townships of Hackensack and Harrington, until it crosses the New York state line near Tappantown.

Description of road.

5. *And be it enacted*, That the track of said road shall be

constructed of timber and plank, so that the same shall form a smooth and even surface, of sufficient width for vehicles of every description, the particular manner of building said road to be determined by the directors of the said corporation.

6. *And be it enacted*, That the following persons shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, viz.: Nicholas C. Durin, John C. Quackenbush, David A. G. Demarest, Tunis R. Cooper, Jacob P. Westervelt, John V. H. Terhune, Peter D. Moore, George C. Demarest, and Jacob Demott, junior, and that such notice of the time and place of so doing shall be given as the above named persons, or a majority, of them shall deem necessary and proper.

Commissioners to receive subscriptions.

7. *And be it enacted*, That whenever four miles of said road shall be completed between the road of the Bergen turnpike company to the North church, it shall be lawful for the board of directors of said company to cause one toll-gate or more to be erected on that part of the road so completed as aforesaid, and a toll-gatherer or toll-gatherers to be appointed, at which gate or gates the said company may demand and receive toll, not exceeding the following rates, to wit: for every sled, carriage or vehicle drawn by one animal, three cents per mile, and one cent for every additional animal attached to said sled, carriage, or vehicle, for each mile traveled, and no more; for every horse and rider, or led horse, one cent; for every score of cattle, sheep or swine, three cents; and in this proportion for a greater or less number of cattle, sheep or swine; and when said road shall be completed from said North church to the New York state line, gates may be erected thereon and toll-gatherers appointed; *provided*, the tolls then to be exacted shall not exceed those above mentioned; *and provided further*, that it shall be optional with the said company to construct their road between the North church aforesaid, and the New York state line or not.

Rates of toll.

Proviso.

Proviso.

8. *And be it enacted*, That the toll gatherers at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any carriage or animal subject to toll, until the toll thereon is paid.

Carriages &c. may be detained until toll is paid.

9. *And be it enacted*, That any person who shall wilfully

Penalty for
injuring
works.

or carelessly injure any gate or part of the said road, shall be subject to pay all damages, to be sued for in an action of trespass on the case, and the amount recovered shall be collected by and for the use of the said company, and that the declaration in any such action may be general, stating that the company complains for injuries (which shall be specified) done to the gates or road constructed in pursuance of this act; and that any special matters may be given in evidence under it.

Directors of
company.

10. *And be it enacted*, That the concerns of said company shall be managed by the directors; and no person shall be eligible to the office of director unless he shall own at the time of his election, at least four shares of the stock of said company; and no person shall be liable to pay toll who shall be going to or returning from any place of religious worship; and all vehicles passing on said road, and loaded exclusively with fertilizing materials to be used upon the soil in this state; shall pass at one-half the established rates of toll charged by the company.

Commission-
ers to locate
road.

11. *And be it enacted*, That the persons named in the sixth section of this act are also appointed commissioners to locate said road, and a majority of them shall be competent to act; said commissioners, or such of them as shall be sufficient to act, shall, before entering upon the discharge of their duties, take and subscribe the constitutional oath of office, and shall be paid for their services by the said corporation, such sum as the directors of said company may deem just.

Public road
to be used.

12. *And be it enacted*, That the said corporation shall use the highway or road as the same now runs, or may hereafter be laid, leading from the road of the Bergen turnpike company, near the gravel pit of said company, northerly through the Teaneck and Schraalenbergh neighborhoods to Tappan-town, for the purpose of constructing said plank road; and the said plank road shall be confined within the limits of said highway or road.

Limitation.

13. *And be it enacted*, That this act shall continue in force for thirty years.

Approved March 14, 1856.

CHAPTER CLX.

AN ACT to incorporate the Salem County Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Belden, Wadington Bradway, Joseph R. Chew, Joseph B. Thompson, John Johnson, and their associates, shall be and they are hereby created a body politic and corporate, by the name of the "Salem County Steamboat Company," and by that name they shall have power to build, construct, purchase, lease or otherwise procure such and so many steamboats, and of such size and model as they may think proper, and shall have power to purchase, lease, construct and erect, at the town of Salem, county of Salem, and other places upon the river Delaware, such wharves, piers, docks, storehouses and other erections as they may deem necessary for the accommodation of their said vessels and business, and shall have power to transport and carry, for such price, freight or fare, as may be agreed upon, passengers and goods, wares, merchandise, chattels and produce from Salem and other stopping points, to the city of Philadelphia and other places, and from said city to the several places of stopping, and shall have power to do all other acts and things necessary or proper to carry into effect the objects of this act, and shall have other incidental corporate powers, as are enumerated in the first section of the act concerning corporations; *provided*, that said corporation shall not make any erection on the Delaware so as to impair the navigation of said river.

Names of
corporators.

General
powers.

Provided.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with privilege of increasing the same to one hundred thousand dollars, and shall be divided into shares of fifty each, and shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation may direct; and 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 the board of directors for the time being shall have power, after such notice as they may think proper, to

Amount of
capital stock.

call in said capital stock by instalments, as they may direct; and if any stockholder neglect or refuse to pay the instalments as called in, his or her stock may be forfeited to the use of said company or corporation, by a resolution of said board of directors, without further notice to any delinquent stockholder.

Commission-
ers to receive
subscrip-
tions.

3. *And be it enacted*, That the said John C. Belden, Wad-
ington Bradway, Joseph R. Chew, Joseph B. Thompson, John
Johnson, or a majority of them, shall be commissioners to
open, at the town of Salem, county of Salem, books for sub-
scription to the capital stock, giving at least five days notice
of the time and place of opening said books, by advertise-
ment in one of the newspapers printed and published in the
town of Salem; and at the time of subscribing for said stock,
ten dollars on each share subscribed for shall be paid to said
commissioners; and if the whole of said stock shall not be
subscribed for on the first day of the opening of said books,
the said commissioners may adjourn from day to day, or sine
die; and in case of an adjournment sine die, the said commis-
sioners, or a majority of them, may afterwards, upon like
notice as aforesaid, re-open said books, and receive subscrip-
tions as aforesaid, until at least twenty thousand dollars shall
be subscribed for; and as soon as conveniently may be, after
twenty thousand dollars of said capital stock shall have been
subscribed for, the said commissioners, or a majority of them,
shall call a meeting of the subscribers thereto, by advertising,
and to elect a board of seven directors for said company,
four of whom shall be residents of this state; and at such
meeting, the subscribers who may attend, in person or by
proxy, shall elect a board of seven directors to manage the
affairs of the said corporation until the next annual meeting of
stockholders, and until their successors shall be chosen, each
subscriber at such meeting being entitled to one vote for
every share of stock subscribed for by him, her or them,
which board of directors shall, as soon as conveniently may
be after their election, organise by electing one of their num-
ber president, and such other officers and agents as they may
think proper; and the said commissioners, or a majority of
them, shall pay over to said board of directors, or such person

or persons as may be appointed by them, all the money received from the subscribers to said capital stock, deducting only therefrom the necessary expenses of said commissioners.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seven directors, four of whom shall constitute a quorum for the transaction of business; but any less number may adjourn a meeting of the board of directors; that the first board of directors shall be chosen in the manner hereinbefore directed, and all subsequent boards at an annual meeting of the stockholders; that there shall be an annual election of directors at some place in the town of Salem, on the first Monday of March in each year after said first election, at such time and place, and upon such notice, as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be elected on the said first Monday in March, or other time appointed for the holding of any annual election, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at such 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 corporation, to serve until the next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any one 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.

Annual
tion of di
rectors.

5. *And be it enacted*, That dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders at such stated periods as the said board of directors shall determine, and also, at each annual meeting of the stockholders for the election of directors, it shall be the duty of the president and

Dividends to
be made.

directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the corporation during the past year, and shall produce the books, accounts and papers of the corporation, if required to do so by any person or persons being stockholders.

Penalty for
injuring
work

6. *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 corporation, such person or persons so offending shall forfeit and pay to the said corporation any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace, in the county of Salem or elsewhere; and also shall be liable to pay double the amount of damage sustained or caused thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction; and if any vacancy should occur in the board of directors or presidency, by death, resignation or otherwise, the board may fill such vacancy until the next annual election of directors, and no person shall be a director but a stockholder.

Limitation

7. *And be it enacted*, That this act shall continue in force for twenty years.

Approved March 14, 1856.

CHAPTER CLXI.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Camden, Ellisburgh, and Marlton Turnpike Company," approved February twenty-eight, one thousand eight hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of directors of the Camden, Ellisburgh, and Marlton Turnpike Company to receive, at such times and places as they may think proper, additional subscriptions to the capital stock of said company, for the purpose of extending their turnpike road, as hereinafter stated; and that when, for that purpose, two hundred and forty additional shares shall be subscribed for, it shall be lawful for the said company to extend their said road from the Point House, in Camden county, to the Green Tree tavern, in the county of Burlington; which extension shall be constructed and made on and along the main public highway, in the mode prescribed for constructing their said road in the act incorporating said company; and, for that purpose, they are hereby invested with all the powers and privileges, and subjected to all the restrictions, limitations, provisos and conditions in said act contained and set forth, the same, in all respects, as if it had originally authorized the extension authorized by this act.

Company
may extend
road.

2. *And be it enacted*, That the said additional subscriptions shall be paid at such times and places as the said board of directors shall direct; and all the moneys paid thereon shall be applied by them to the extension of said road as aforesaid; and that when the same shall be completed, it shall be lawful for the said company to erect gates or turnpikes across the same, and demand and receive tolls for traveling thereon, not exceeding the rates prescribed in their said act of incorporation; and all the powers, privileges, limitations, restrictions, exceptions, penalties, provisos and conditions, of and concerning the tolls mentioned in said act of incorporation, shall be applicable to said extension hereby authorized; and after the same shall be completed, the said additional stock

Toll gates
may be erected.

and the stock subscribed and created for constructing the present road of said company shall be united; and all dividends of the subsequent profits of said company shall be struck and paid upon the said united stock.

Certificates
of acceptance to be
filed.

3. *And be it enacted*, That before this act shall take effect, it shall be accepted by a majority, in value, of the stockholders, who shall attend a meeting thereof, to be held at the village of Ellisburgh, upon at least twenty days notice of such meeting, published in two of the newspapers printed in this state; and at such meeting each stockholder shall be entitled to one vote for every share of stock that he may hold, to be given in person or by proxy; and a certificate of such acceptance, signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted.

Approved March 14, 1856.

CHAPTER CLXII.

AN ACT to incorporate the Hackensack and New York Railroad Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert C. A. Ward, John H. Banta, Garret G. Ackerson, William S. Banta, Manning M. Knapp, John Huyler, Thomas W. Demarest, Richard R. Paulison, Thomas Voorhis, David Terhune, John P. Outwater, Isaac Goetschins, Peter I. Ackerman, Jacob C. Terhune, David A. Berry, John H. T. Banta, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted, and declared to be a

body politic and corporate in fact and in law, by the name of "the Hackensack and New York Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

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

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 as they, or a majority of them, may think proper, giving at least twenty days notice of the same, in two of the newspapers published in this state; and if more than two hundred thousand dollars of stock be subscribed, it shall be the duty of the said commissioners to make a fair and just apportionment of the stock among the subscribers, in such manner as they may think best calculated to secure the speedy construction of said road.

Commissioners to receive subscriptions.

4. *And be it enacted*, That at the time of subscribing for said stock, ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them; and when forty thousand dollars of the capital stock shall be subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed in the said notice, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books

Election of directors

and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the directors chosen at such election, and at every annual election of said corporation shall, as soon as may be after every such election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a majority of the said board of directors; and in the absence of the said president, a majority of the said board of directors may appoint a president *pro tempore*, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Payment of
instalments.

6. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days previous notice in two newspapers published in this state; *provided*, that no instalment shall exceed ten dollars on each share, and that no two instalments shall be required to be paid within thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulations of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries

Proviso.

to them and to the president, as to the said board shall seem proper.

7. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at the village of Hackensack, in the county of Bergen, at or within one mile from the court-house, to any point on the road of "the Paterson and Hudson River Railroad Company," between the Boiling Spring station and Bergen Hill, and to locate and construct said railroad, not exceeding one hundred feet in width, except in such places where, from the depth of the excavation, or the height of the embankment, it may be necessary to take more land for the slope and protection of the side banks of said railroad, in which so much land as may be necessary, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon lands and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works thereon, and to lay rails, and do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation, and upon such terms as are hereinafter provided for.

8. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof,

Company
authorized
to construct
road.

Proceedings
in case com-
pany and
owners can-
not agree.

or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which the lands are situate, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service of publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands or materials, and assess the damages, upon such notice, not less than twenty days, to be given to the person interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially, to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid descrip-

tion of the lands or materials, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof, certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned,) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerk and other persons performing any of the duties prescribed in this section as he shall think equitable and just, and to order and direct by whom the same shall be paid.

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

Parties aggrieved may appeal.

Proviso.

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

Company
to construct
bridges.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public road or other road now in use shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be obstructed thereby, and also, where the said road shall intersect any farm or other land of any individual, to provide and keep in repair suitable wagon ways over or under the same; and the said company may build bridges over the Hackensack river and over the English creek and other navigable streams, within the line of their road, and in each

bridge they shall build over the Hackensack river and over the English creek, at points where the same are navigable; they shall put a draw of at least forty feet wide in the narrowest part, and they shall build such bridges over the best channel in said river, creek or stream, in such manner as to do the least injury to navigation.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and run on said railroad, all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or any species of property as they may think reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they, from time to time, shall think reasonable and proper; *provided*, that they shall not charge more than four cents per mile for each passenger, and eight cents per ton, per mile, for the transportation of every species of heavy merchandise and goods usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per mile for every ton, three cents per mile for every passenger carried on said road in the carriages of others, and four cents per mile for every empty carriage not the property of the company, and that the road authorized by this act shall and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling, by the company in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements and all other property whatsoever, belonging to the company, are hereby vested in the said company, and their successors, for and during the continuance of the charter; *provided always*,

Rates for carriage and transportation.

Proviso.

Proviso.

Proviso.

that in case the said company after the road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case this charter shall be annulled; and the title of the lands over which the said railroad is located shall be re-vested in the person or persons who would have been legally entitled thereto if the said road had not been located; but the superstructures of the said railroad and the material of which the same is composed shall in such case be deemed and taken to be personal property of the said company, and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

Semi-annual
dividends.

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

What real
estate may
be held.

13. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road, as may be necessary for the convenient transaction of business, not exceeding twenty acres in each place, and may erect and build thereon warehouses and such other buildings and improvements as they may deem expedient for the safety of their property, and other necessary uses appertaining to their business.

Penalty for
injuring
works.

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

Annual
statement to
be made.

15. *And be it enacted*, That as soon as the said railroad is finished, so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount

of the cost of the said railroad, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and whenever the net proceeds of the said road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. Provide.

16. *And be it enacted*, That at any time after the expiration of thirty years from the passage of this act, the legislature of this state may cause an appraisement of the railroad and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of the supreme court for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the three persons on their part, for two months after the appointment by the chief justice, then the three persons so appointed by him shall proceed to make such appointment, which shall be binding upon said company; and upon the said report being made, the state shall have the privilege for two years of taking said road, upon payment to the company of the amount of said appraisement within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the valuation of said road shall in no case exceed the first cost thereof. State may take road on payment of appraisement.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to Provide.
Corporation may borrow money.

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, franchises and appurtenances of or belonging to said corporation, to the extent of fifty thousand dollars, at a rate of interest not exceeding seven per centum per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof.

Proviso.

May make
contracts
With other
corporations

18. *And be it enacted*, That it shall be lawful for the said corporation at any time during the continuance of its charter to make contracts and engagements with any other company or incorporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act for transportation and passage over their own road.

Act void un-
less road is
completed in
certain time.

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

Certain offi-
cers to pass
free.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of this state, when traveling upon official business, and the members of both houses of the legislature of this state, during its annual or other sessions, may pass and re-pass upon said railroad, in the cars of the company, free of charge.

Limitation.

21. *And be it enacted*, That this act shall continue in force for and during the term of thirty years, and that the legislature may at any time alter, modify or repeal the same.

Approved March 14, 1856.

CHAPTER CLXIII.

A SUPPLEMENT to an act entitled "An act to incorporate the city of New Brunswick."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any owner or owners of any lands or real estate necessary to be taken for the laying out, opening, altering, extending or widening any street, road, highway or alley in the said city, shall be under any legal disability, or out of this state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the common council of the said city, to proceed to the appointment of the commissioners mentioned and provided for in the twenty-seventh section of the act to which this is a supplement, after publishing in a newspaper printed in said city for three weeks a notice of the intention of the said common council to take such land or real estate for the purpose aforesaid; and further, the said common council may in any case aforesaid, and in case of non-payment, proceed to the advertisement and sale mentioned in the thirty-second section of the said act, without the demand upon such owner or owners mentioned in the thirty-first section of the said act, and further, that in case the common council and the owner or owners of any such land or real estate shall agree upon the sum or sums to be paid therefor, such sum or sums shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions contained in the thirty-first section of the said act.

Proceedings
in cases
where own-
ers of land
are under
any legal dis-
ability.

2. *And be it enacted*, That notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner or owners of any lands or real estate in the said city of New Brunswick, in any assessment made thereon by virtue of this act, or the act to which this is a supplement, such assessment shall be a lien valid and effectual in law against the said lands and real estate, and the same may

Misnomer
not to affect
assessment.

be proceeded against and sold by a description thereof, in pursuance of the provisions of such act.

Lands sold
may be re-
deemed with-
in two years.

3. *And be it enacted*, That any lands, tenements or real estate which may hereafter be sold for the payment of any assessment made thereon, by virtue of this act, or of the act to which this is a supplement, may be redeemed by the owner, mortgagee, occupant or person interested therein, at any time within two years after such sale, by paying to the treasurer of the said city, for the use of the purchaser, the purchase money thereof, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer of the city stating the payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; and further, that any sale of lands, tenements or real estate, for the payment of any such assessment, may be adjourned or postponed from time to time, or suspended, as the said common council may direct, and it shall and may be lawful for the treasurer of the said city to purchase, at any such sale, when necessary, any such lands, tenements or real estate, for the benefit of the said city, subject to the same redemption as hereinbefore provided.

Mayor, Re-
corder and
Aldermen to
be conserva-
tors of the
peace.

4. *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 any one of them, on oath, to cause any and all person or persons to be brought before them, or any one 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 peace in the said city, and upon such offender or offenders being brought before them, or any one of them, they or any one of them before whom such offender or offenders shall be brought, shall require such offender or offenders to enter into recognizance, or commit such offender or offenders to the jail of the county of Middlesex, to answer to the charge

before the proper county court or otherwise, according to law, and the marshal or any assistant marshal of the said city shall be ministerial officers, and shall execute all and every process issued in pursuance of the authority hereby conferred, which shall be of the same legal force and obligation on the keeper of the county jail, and all others concerned, as if the same were issued by a justice of the peace in and for the county of Middlesex.

5. *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 plurality of votes of the members of the said department.

Appointment of chief engineer.

6. *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 or shall be a party, or in which they are interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant or freeholder of the said city; that the books of records of the ordinances and by-laws of the said common council, and the printed volume or pamphlet containing the same, printed and published by authority of common council, shall be taken and received as evidence in all courts of this state, of the said ordinances and by-laws, and of the passage thereof; that 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; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, or of the act to which this is a supplement, such person may plead the general issue, and give such act and the special matter in evidence at the trial.

Inhabitants not incompetent as witnesses in trials where city is a party.

7. *And be it enacted*, That all parts of the said original act inconsistent with this act, be and the same are hereby repealed; *provided*, that this repealing clause shall in no wise be construed to repeal any lawful ordinance, by-law or regulation, or any other legal act heretofore passed, made, or done by the common council of the said city, but all such by-laws and ordinances shall be and remain in full force until revoked, altered or amended by the said common council, and may be exe-

Part of former act repealed.

Proviso.

cuted and carried into full force and operation, or to affect the right, title or interest of the said city to or in any property, claim or demand had and held under and by virtue of the said sections hereby 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 act; and that any right of action or lien vested in the said common council under the said third and fourth sections of the said act, shall and may be prosecuted under the said sections to judgment or sale, in the manner therein specified; 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.

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

Approved March 14, 1856.

CHAPTER CLXIV.

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

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, Richard T. Haines, Charles Davis, Keen Prudden, Francis B. Chetwood, Joseph Cross, Henry Meeker, William W. Price, Andrew Lemassena, Henry N. Parkhurst, Joseph N. Tuttle, David A. Hayes, Daniel Price and William Silas Whitehead, 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 and Elizabeth Plank Road Com-

pany," and by that name they and their successors shall be known in law.

2. *And be it enacted*, That the capital stock of said corporation shall be thirty thousand dollars, and shall be divided into shares of fifty 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 fifty thousand dollars.

Amount of
capital stock.

3. *And be it enacted*, That Richard T. Haines, Joseph Cross, Andrew Lemassena, William Jay Magie and William Silas Whitehead, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation, and they, or a majority of them, are hereby authorized for that purpose to open books of subscription, at such times and places as they, or a majority of them, shall appoint, giving at least two weeks' notice of such times and places, in two of the newspapers published in Newark, and in one newspaper published in the city of Elizabeth, 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 right; and at the time of subscribing for said stock, the sum of five dollars on each share subscribed shall be paid to the said commissioners in specie, or its equivalent, 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 hereinafter directed.

Commission-
ers to receive
subscriptions.

4. *And be it enacted*, That when there shall be three hundred shares of the said stock subscribed, and fifteen hundred dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for ten days in two or more newspapers of said city of Newark, and in one newspaper printed in the township of Elizabeth, 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 ma-

Election of
directors.

jority 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, and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Payment of
instalments.

5. *And be it enacted*, That the said board of directors shall elect, out of their own body, a president, who shall be a resident of this state; and a majority of the said board shall, at all times, be a quorum for the transaction of business, and shall have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalments, in one or more newspapers circulating generally in the neighborhood where such stockholders reside; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she or they so neglecting, or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just.

Compensa-
tion to com-
missioners.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, said commissioners shall pay over to the said board of directors, or to such persons as they, or a majority of them, shall direct, all moneys which they have received for the subscriptions to such capital stock, first deducting therefrom all expenses to which they have been exposed for books, printing, or other necessary 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 said corporation, and such directors so annually chosen, shall in like manner, have power to elect their president.

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.

Corporation
not dissolved
for failure
to elect on
day pre-
scribed.

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 construct a plank or a graveled or macadamized road, or a road partly planked and partly graveled or macadamized, commencing at some point in the third ward of the city of Newark, and terminating in Elizabeth, at or near the crossings of the New Jersey Railroad and Transportation Company and the Central Railroad; said road to be not less than eighteen feet in width, continuous, or two tracks of nine feet wide each, so as to present a smooth and even surface, and secure a good, smooth and sufficient road at all seasons of the year, and in no case to rise above an angle of ten degrees with the plane of the horizon; and the said company shall construct and keep in repair, good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides; *provided always*, that no steam power shall be used on the said road, nor iron rails or other obstructions to common travel placed thereon.

Description
of road.

Proviso.

9. *And be it enacted*, That it shall and may be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route or routes of such 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 com-

Directors &c.
authorized
to enter on
lands &c.

Proviso.

pany, 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 lands be first had and obtained.

Proceedings
in case com-
pany and
owners can
not 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 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 proceedings shall vest in the said circuit court full right and power to hear and adjudge the same; and, if required, they shall award a venire, in the common form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said 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 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.

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

Proceedings
in case of
illegal in-
capacity of
owners.

direct the amount of costs and charges of such valuation, appraisement and witness fee.

Rates of toll. 12. *And be it enacted*, That the said company may erect gates across the said road, and demand and receive tolls for each mile, and all fractions over half a mile, of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast, two cents;

For every additional beast, one cent;

For every horse and rider, or led horse or mule, one cent;

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

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

Proviso. - And that it may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burden or pleasure, from passing through the said gates 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 or carriages, sleighs or sleds carrying persons to or from a funeral, or any militiaman passing to or from any training on muster day appointed by law, or any military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States; *provided*, that so soon as the said company shall have completed one track of said road from its commencement in the city of Newark to the road crossing from the public highway leading from Newark to Elizabeth to the railroad near the Essex and Middlesex turnpike gate, it shall be lawful to erect a gate therein, and demand and receive for that portion of the road the tolls allowed by this act; and said company shall have the like right to erect gates and demand and receive tolls for the whole length of said road, whenever one track is completed; *and provided also*, that if any part of said road shall be constructed over a public highway, no gate shall be erected on such highway.

Proviso.

13. *And be it enacted*, That when said road is completed, the said company 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, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs;" and it shall be lawful for this company to make arrangements with the Newark Plank Road and Ferry Company for facilitating and continuing the public travel of their respective roads, and shall for such purpose have power to purchase any capital stock of the said plank road and ferry, and to hold the same as stockholders therein.

Milestones to be erected.

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

Penalty for injuring works.

15. *And be it enacted*, That if any toll-gatherer 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

Penalty for illegal tolls.

sum of twenty dollars, with costs of suit, to be prosecuted for and recovered by the person so hindered or defrauded.

Penalty for obstructing passage.

16. *And be it enacted*, That all drivers of carriages, sleighs or sleds, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in 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, beside being liable to make compensation for all damages occasioned thereby, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in his or her passage, to be recovered by an action of debt, with costs of suit.

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

17. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Essex, who may be disinterested, the said judge shall immediately appoint, by writing, under his hand and seal, three judicious, discreet and disinterested persons, being freeholders, who, or a majority of whom, (notice in writing being given to the keeper of the nearest gate,) 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 unfavorable to the said road, the said judge shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike, to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding such order, exact toll of travelers, 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 the said company, again to view the said road or bridge, and report as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates 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 favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint.

18. *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 Essex shall desire so to do, they may, by paying the stockholders the cost of constructing said road as aforesaid, make the same free; and in case the said company shall at any time voluntarily abandon said road, and cause a certificate of such abandonment, under their seal, to be filed in the office of the secretary of state, the same shall thereupon become a public and common highway, and be amended, repaired and kept in order in the same manner as other public highways; and in case the taking of tolls be abandoned on any part of the Essex and Middlesex turnpike road, lying near the road hereby authorized, between Newark and Elizabeth, now impaired for public travel by the railroad tracks being laid thereon, so much of the said turnpike road on which the taking of tolls shall be abandoned, may be discontinued as a public road; *provided*, for each mile of said turnpike road so discontinued, one thousand dollars of the capital stock of this company be subscribed and paid, in conformity to the provisions of this act, to be applied to the construction of the road hereby authorized.

Road may be made free, on payment of cost.

Proviso.

19. *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

Limitation.

February, one thousand eight hundred and forty-six, so far as the same are applicable, and said corporation shall continue in existence for the space of twenty-five years, unless sooner repealed.

Approved March 14, 1856.

CHAPTER CLXV.

AN ACT to authorize the planting of oysters on lands covered with water, in Maurice River cove, in the county of Cumberland, and for protecting the same.

Preamble.

WHEREAS, it has been represented to the legislature of the state of New Jersey that the Maurice River cove, on the southern shore of the township of Downe, in the county of Cumberland, is particularly adapted to the growth of oysters, but that by reason of the interference of citizens of other states, and the want of more adequate protection to persons planting oysters therein, the same has become almost valueless, as oyster ground; now for the purpose of encouraging the planting and growth of oysters in said cove, and thus creating and confining at home a source of wealth, which is now either undeveloped or enjoyed by the citizens of other states—

Boundaries
cove to be
occupied.

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 Cumberland, be and they are hereby authorized and empowered to occupy Maurice River cove, in said county, within the following boundaries, that is to say: Beginning at low-water mark, directly opposite East Point, in the township of Maurice river, Cumberland coun-

ty; and running thence a south course to the main ship channel; thence by a straight line to low-water mark, directly opposite to Egg Island Point, in the township of Downe, in said county, and thence by low-water mark the several courses and distances of the shore bordering on the said cove, and crossing the mouths of the several streams that empty into said cove, to the place of beginning; and that the said board of chosen freeholders of the county of Cumberland, be authorized to possess the said Maurice River cove, for the use, and in the manner hereinafter provided for, and during the term of twenty years from and after the passage of this act.

2. *And be it enacted*, That the said board of chosen freeholders of the county of Cumberland, be authorized at any stated or special meeting, to appoint one or more persons, who shall hold their office for one year, and until their successors are appointed, whose duty and business it shall be to stake off said cove, according to the aforesaid boundaries; to make a survey and map of the shores and land covered with water, a copy of which shall be filed in the clerk's office of the county of Cumberland, and to lay off, and cause to be marked by stakes, such subdivisions of said cove, not exceeding ten acres each, as in their discretion shall seem best designed to promote the planting and growth of oysters; *provided*, the navigation of said cove be in no wise obstructed thereby; *provided*, that no person shall own more than ten acres, and no company more than thirty acres.

Survey to be made and filed.

Proviso.

Proviso.

3. *And be it enacted*, That it shall be lawful for the said commissioners, after marking and staking off the said cove and land covered with water, and such subdividing the same as aforesaid, to lease and rent out the same, at public vendue, to the highest bidder or bidders, for a period not less than one year or exceeding five years; the said bidder or bidders shall in all cases be citizens of this state, and shall pay the sum bid annually during the term for which the said land covered with water is leased, the payment of which rent shall be secured to the satisfaction of the said commissioners, who are hereby authorized in their own names, or in the name of the survivor, to collect the same for the pur-

Subdivisions may be leased.

pose hereinafter provided, and upon the payment or securing the payment of said annual rent as aforesaid, such bidder or bidders, his, her or their legal representatives shall be considered and deemed to be entitled to the exclusive use and occupation of the said land covered by water, so designated, during said term, and for the purpose of planting and growing oysters thereon.

Penalty for
trespassing.

4. *And be it enacted*, That it shall not be lawful for any person or persons whatsoever, other than the lessees aforesaid, and their legal representatives, to plant, gather, take, injure or destroy any oysters, within the aforesaid boundaries, during the said term, without the written permission of the said lessees and their legal representatives first had and obtained; and if any person or persons shall enter within said boundaries without the leave and consent of the lessee thereof, in writing, and injure the same, and commit any trespass thereon, he, she or they, so trespassing, shall be liable to the party injured, for the first offence, in treble damages, to be recovered in an action of trespass, and for the second offence, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or both.

Duties and
powers of
commission-
ers.

5. *And be it enacted*, That it shall be the duty of the commissioners appointed as aforesaid, to enforce the penalties and forfeitures incurred by those who are not, and have not been for six months citizens and residents of this state, on entering within the boundaries aforesaid, in their boats or vessels, against the existing laws of this state; and further to collect by suit or otherwise the rents due and to become due from the several lessees of the said oyster ground as aforesaid, and after the payment of their necessary costs and expenses of discharging the duties imposed upon them by this act, and receiving therefrom such further compensation as the board of freeholders shall agree they ought to have for their personal services, the residue of said money, if any, shall be paid by the said commissioners to the board of chosen freeholders of the said county of Cumberland, to be by them apportioned amongst the several townships of

the said county, in the ratio of the county tax paid by the said townships, to be used in the support of the public schools of the said county.

6. *And be it enacted*, That it shall be the duty of the said commissioners to report at least once in each year to the board of chosen freeholders of the county of Cumberland, detailing their proceedings; to which report shall be annexed a statement, under the oaths or affirmations of the said commissioners, showing the exact sum of money received and paid out by them during the year, and from whom received and to whom paid.

Commissioners to make annual report.

7. *And be it enacted*, That all natural oyster beds within the limits prescribed in the first section of this bill, are hereby excepted, and shall not be embraced within this act; and this act shall not go into operation until the first day of April, eighteen hundred and fifty-seven, except so far as to enable the board of chosen freeholders to make the necessary preparations for leasing the said beds, by survey and division.

Act when to take effect.

Approved March 14, 1856.

CHAPTER CLXVI.

AN ACT to incorporate the Camden Brick Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin B. Thomas, William B. Thomas, John Gubbings, Joseph T. Rowand, Matthew H. McEwen, Joseph Myers, John H. Jones and Abraham S. Ackley, and their associates, heretofore known as "the Camden Brick Company," and their successors, and all

Names of corporators.

others persons who shall become stockholders in the corporation hereby created, be and they are hereby constituted a body corporate and politic in law, by the name of "the Camden Brick Company," for the manufacture and sale of bricks and baked clay in its different forms; said manufacture to be carried on in the county of Camden, and the erection of dwellings and other buildings of the brick manufactured by the said company, and by that name shall have continued succession, shall be capable of suing and being sued in any court of law or equity, shall have power to make and use a common seal, and alter the same at pleasure, and to purchase and hold, mortgage and convey any lands, tenements, goods and chattels whatsoever as may be necessary or expedient to the objects of the association.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, the amount to be subscribed not to be less than seventy-five thousand dollars, with which this corporation shall commence business, of which the stock already subscribed and paid for shall be deemed and taken as part; which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation shall direct, said stock to be subscribed, called for and paid in at such times and places, and in such instalments, as the directors of said company may from time to time direct and appoint; *provided*, that no instalment shall be for more than five dollars on each share at any one time, or called in at intervals of less than one month.

Proviso.

Election of
directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than five or more than nine in number, stockholders of said company, to be chosen annually, at such time and place in the county of Camden, in such manner and upon such notice as the by-laws of the said corporation may direct, who shall serve for one year, and until others are chosen in their stead; and that John H. Jones, William B. Thomas, Benjamin B. Thomas, Abraham S. Ackley and Joseph T. Rowand, now directors of said company

shall be the first directors under this charter, to continue in office until the next annual election, and until others are chosen in their stead. First directors.

4. *And be it enacted*, That the directors of the said company shall choose out of their own number a president, and shall have power to appoint a secretary, treasurer, and such officers, agents, clerks and servants, as they may deem expedient; they shall have power to adopt by-laws and rules for the government of the said company, not inconsistent with this charter and the laws of this state and of the United States; to fill vacancies in their board until the next annual election; to declare stock forfeited for non-payment of any instalment or instalments, *provided*, at least thirty days' previous notice of any call thereof be given in one newspaper published in the county of Camden, and to sell and issue stock in lieu thereof for the benefit of said company. Duties and powers of directors.

5. *And be it enacted*, That the first annual election of directors under this charter shall be held at the office of the company, in the city of Camden, on the second Tuesday of August next, between the hours of one and six in the afternoon of said day; or in case of failure to hold such election, at such time and place as any two of the directors may appoint, and thereof give notice; that all elections shall be by ballot, of which at least two weeks' notice shall be given prior thereto, in some newspaper published in the city of Camden; and that if from any cause an election of directors shall not take place at the appointed time, it shall not work a forfeiture of the charter, but a new election may be held at any subsequent period, upon like notice. Proviso.

6. *And be it enacted*, That the directors shall make an annual report to the stockholders of the affairs of the company; of the amount of stock actually paid in; of the assets and debts of the company, and that no dividends shall be declared except from the actual profits of the company. First annual election of directors.

7. *And be it enacted*, That if the directors shall neglect or refuse to call annual meetings of the stockholders, at the time prescribed by the by-laws of the company, or otherwise, special meetings may be called by any three stock- Annual report to be made.

holders; and at such meetings holders of two-thirds of the stock in interest may do any act which is provided to be performed at an annual meeting.

Limitation

8. *And be it enacted*, That this act shall take effect so soon as the said "the Camden Brick Company," at a meeting of the stockholders, to be called for that purpose, shall, by a resolution, signify their acceptance thereof as the charter of said company; and that this act shall continue in force for thirty years, provided that nothing in this act contained shall be construed to alter or impair the rights, liabilities and contracts of the said company, under its present organization; and that it shall be lawful for the legislature of this state, at any time hereafter, to amend, modify or repeal this act, as they may think proper.

Approved March 14, 1856.

CHAPTER CLXVII.

AN ACT to incorporate the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Vance, John Burk, Peter Becket, Joseph Richards, John P. Sheets, John Sweeten, Wilmon Whilldin, Jr., Enos Whitaker and Samuel Harlin, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company," and by that name they shall have power to build, construct, purchase, lease, or otherwise procure, such and so many steamboats and other vessels, and of such size

General
WEBS.

and model as they may think proper, and shall have power to purchase, lease, construct and erect, at Bridgeport and at other ports and places upon the Delaware river and bay, and creeks emptying into the same, such wharves, piers, docks, store houses and other erections, as they deem necessary for the accommodation of their said vessels and business, and shall have power to transport and carry, for such price, freight or fare, as may be agreed upon, passengers and goods, wares, merchandise and chattels to and from Bridgeport, Thompson's Point, Billingsport, Philadelphia, and other ports and places upon the Delaware river and bay, and creeks emptying into the same; and shall have power to do all other acts and things necessary and proper to carry into effect the objects of this act, and shall have such other incidental corporate powers as are enumerated in the first section of the act concerning corporations; *provided*, that said corporation shall not make any erections upon the Delaware river or bay, or creeks emptying into the same, so as to impair the navigation of said streams.

Proviso.

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

Amount of capital stock

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

Stock transferable.

First directors.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, all of whom shall be citizens of this state, 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 John Vance, Peter Beckett, Wilmon Whilldin, Jr., Enos Whitaker and Samuel Harlin, shall be and are hereby appointed the first board of directors, to serve until the first Monday in May 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 corporation until the first Monday in May 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 meeting of directors, and no person shall be a director but a stockholder.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors held at Bridgeport on the first Monday of May next; and that all subsequent elections of directors shall be held at such time and place, and upon such notice, as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the first Monday in May next, or at the time appointed for the holding of any subsequent annual election, the said corporation 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 corporation, to serve until the next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen

president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board, or upon the call of the president.

6. *And be it enacted*, That dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders 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 corporation during the past year, and shall produce the books, accounts and papers of the corporation, if required to do so by any person or persons being stockholders. Semi-annual dividends.

7. *And be it enacted*, That this act shall continue in force Limitation. for thirty years, and the legislature reserves the right, at any time, to alter, amend or repeal the same.

Approved March 14, 1856.

CHAPTER CLXVIII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Sussex and Warren Railroad Company," passed February twenty-first, eighteen hundred and fifty-one.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the time limited by the act to which this is a supplement, for the commencement and completion of the road, or such part thereof as by the said act is Time of commencement and completion of road.

authorized, shall be computed from the passage of this supplemental act.

Commence-
ment of route

2. *And be it enacted*, That if the said road or any part thereof, shall be constructed upon, or near the present located route for the same, it need not be commenced in the line of division between the states of New York and New Jersey.

Proceedings
in case stock-
holders dis-
agree to act.

3. *And be it enacted*, That it shall not be necessary for the said company to locate or construct the said road, or any part thereof, within one mile of Franklin Furnace, or within three-quarters of a mile of the court-house at Newton, nor to construct the main line of said road, or a branch road, to or near the village of Deckertown, as in the said original act it is required; *provided always*, that if any of the stockholders of the said Sussex and Warren Railroad company, shall within three months from the passage of this act, disagree thereto, and express their dissent in writing to either of the directors of said company, then it shall be the duty of said company, on the transfer of the stock to them, to pay or deliver to such person or persons, the money or securities given by him or her for said stock, except so much and such part thereof as may have been heretofore justly expended by the said company, or so much as may be necessary to meet the actual and just liabilities of said company heretofore contracted.

Proviso.

Approved March 15, 1856.

CHAPTER CLXIX.

A SUPPLEMENT to the act entitled "An act to incorporate the Hudson and Hackensack Tunnel and Through Cut Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time of one year specified in the third section of said act, for the subscription of five hundred shares to be made, is hereby extended to two years.

Approved March 15, 1856.

CHAPTER CLXX.

SUPPLEMENT to an act entitled "An act to incorporate the Hudson and Bergen Plank Road Company," approved March twenty-fourth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "An act to incorporate the Hudson and Bergen Plank Road Company," approved March twenty-fourth, eighteen hundred and fifty-two, as requires the road in said act mentioned to be completed within four years after the passage of said act, be and the same is hereby repealed, and that the time for the completion of said road be and the same is hereby extended to four years from the passage of this supplement.

2. *And be it enacted*, That so much of the charter to which this is a supplement as authorizes said company to lay out and construct their road north of the Newark turnpike, leading from Jersey City to Newark, be and the same is hereby repealed.

Road may be
planked or
graveled.

3. *And be it enacted*, That it shall be lawful for said company to plank, gravel or macadamize any portion of said road between Newark turnpike and the Newark plank road.

Approved March 15, 1856.

CHAPTER CLXXI.

AN ACT to repeal the act entitled "An act relating to plank and turnpike roads," approved March thirtieth, eighteen hundred and fifty-five.

Former act
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act relating to plank and turnpike roads," approved March thirtieth, eighteen hundred and fifty-five, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 15, 1856.

CHAPTER CLXXII.

AN ACT to better regulate and discipline the Hudson Brigade.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every officer, non-commissioned officer, musician and private, who is or may become attached to the Hudson brigade, shall be holden to do duty therein for the full term of seven years from his enlistment, unless disability should incapacitate him, or he shall have moved without the bounds of the brigade.

Term of service.

2. *And be it enacted*, That there shall be a regimental board of officers to each regiment, to consist of all the commissioned officers of each regiment, which shall have power, by a majority vote of such officers, to pass a code of by-laws for their own government and that of the regiments; to establish penalties for the non-attendance and delinquencies of the officers, non-commissioned officers and privates at any drill of the regiments.

Regimental board.

3. *And be it enacted*, That all uniformed companies attached to this brigade shall have power to adopt by a majority vote of members, a code of by-laws for the internal government of such companies, to establish fines and penalties for violations of such by-laws, and to provide for the expulsion of unruly and insubordinate members.

Companies may adopt by-laws.

4. *And be it enacted*, That there shall be a regimental court-martial to each regiment, each to consist of one field officer, as president, one captain, and one lieutenant, who shall be appointed annually by the respective commandants of regiments; they shall hold at least three sittings in each year, at such time and places as the said commandants shall direct; they shall have power to hear and determine upon all excuses of the members of the uniformed militia for non-attendance at regimental or company parades, or neglect of any other regimental or company duty, and impose such fines as in their judgment shall seem proper, within the provisions of this act; it shall be the duty of the presidents of said courts, within ten days after any and each sitting of said

Organization of court-martial.

courts, to transmit, under oath or affirmation, a correct list of all delinquents subjected to fine, and the amount of fines to each, to their respective regimental paymasters; if any delinquent shall neglect or refuse to pay the fine or fines against him within thirty days after the sitting of any such court imposing the fine, to said regimental paymasters, then it shall be the duty of said paymasters to proceed to collect the fines in the manner as provided for in the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, and all moneys collected by said paymasters, shall be expended for the uses and purposes of the regiments as the respective regimental board of officers may direct.

Orderlies to make return to commandant of companies.

5. *And be it enacted*, That the orderly, or acting orderly sergeant of each company shall at every parade ordered in pursuance of this act, call the company roll at the hour specified in orders for the assembling of the company, and also at the dismissal of each parade; he shall make out a true statement, under oath or affirmation, of the names of those present and absent at each roll call, together with any and what violations of military discipline, and by whom violated, and transmit the same within forty-eight hours after any parade to the commandant of his company, who shall attest the same and forward it, within five days from its receipt, to the commandant of his regiment; and each delinquent and others charged with violations of the provisions of this act, shall receive a written or printed notice, left at his house or place of business, from the president of the succeeding court martial, at least ten days' previous to its sitting, stating therein the time and place of the assembling of such court, at which any delinquent or others as aforesaid failing to appear, shall be subject to such fine as such court may impose, within the provisions of this act.

Brigade, regimental and company parades.

6. *And be it enacted*, That the several uniformed companies of this brigade shall parade for inspection, review or improvement, not more than six nor less than four times in each year, two of such parades may be by brigade, the remainder by regiments or companies, as the commandants of regiments may direct; and every member of such companies performing

such duty, and having a certificate thereof over the signature of the commandant of the company to which he may be attached, attested by the commandant of the regiment, shall be exempt from the performance of duty as a juror, except that of a grand juror, in the county of Hudson, for the term of one year from the date of such certificate; and upon the presentation of officers' commissions, and taking oath or affirmation of actual service under said commissions, such officers shall be exempt in like manner.

7. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to, or who shall hereafter enlist in this brigade, who has or shall serve faithfully therein for the term of seven years, shall, at his request, receive a discharge, entitling him to exemption thereafter from jury duty, except that of a grand juror, in the county of Hudson, and from all militia duty, except in times of war or insurrection; the commandant of the brigade shall grant such discharge, attested by himself, to the commissioned officers; and the commandants of companies, attested by the commandant of regiments, to every such non-commissioned officer, musician and private, and to entitle any as aforesaid to said privileges and exemptions, every such officer, non-commissioned officer, musician and private shall have attended every brigade, regimental and company parade, or paid the fine for any delinquency, or shall have been excused therefrom by the proper authority.

8. *And be it enacted*, That the several companies of this brigade located within the limits of the cities of Jersey City, Hoboken and Hudson, shall be subject to the orders of the mayors of those cities respectively, as is provided for in an act approved April third, eighteen hundred and fifty-five, entitled "An act further supplementary to an act entitled 'An act establishing a militia system,' approved April seventeenth, eighteen hundred and forty-six," and to be subject to the like penalties and conditions.

9. *And be it enacted*, That the commandant of the brigade, and commandants of regiments and companies, shall report to the sheriff of the county the names of any members of their respective staffs, field officers and companies who shall

Commandant of brigade may grant discharge.

Companies to be subject to the orders of the mayors, &c.

Names of members expelled to be reported to the sheriff.

have been expelled, or who shall from any other cause become liable to serve as jurors, and any person who shall be expelled or from any other cause leave the brigade prior to the expiration of the time of service, shall not be entitled to claim any benefits for the time he may have served.

Enlistment.

10. *And be it enacted*, That every person, on subscribing his name to a company roll, and every commissioned officer, upon taking the oath or affirmation of office, shall be considered as enlisted for the term by this act required.

Officers of
brigade.

11. *And be it enacted*, That this brigade shall be officered in all respects as is the army of the United States; and all commissioned and non-commissioned staff officers shall be appointed by the respective chiefs.

Fines and
penalties.

12. *And be it enacted*, That the following fines and penalties shall be imposed for delinquencies under this act:

For non-attendance at any parade ordered in pursuance of this act,

For field and staff officers, eight dollars.

For line officers, six dollars.

For non-commissioned officers, musicians, and privates, not more than four nor less than two dollars.

For any act unbecoming an officer or soldier while on parade, not more than fifteen dollars, or liability to be cashiered or expelled, at the discretion of the court having jurisdiction by rank over the person offending.

Part of former act repealed.

13. *And be it enacted*, That so much of the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, and all other acts, so far as relates or applies to the Hudson brigade, being inconsistent with this act, be and the same are hereby repealed.

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

Approved March 15, 1856.

CHAPTER CLXXIII.

AN ACT to incorporate the Nova Cesarian Institute.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.
the State of New Jersey, That Alden Scovel, Whital Stokes, James N. Lawrence, Bainbridge Lawrence and Robert C. Hutchinson, and their associates, shall be and hereby are constituted a body politic and corporate in fact and in name, by the name of "Nova Cesarian Institute," and by that name they and their successors shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make a common seal, and to purchase, take and have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, or any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of, for the purposes of said corporation; and the said association hereby incorporated shall succeed to, and is hereby vested with all the property, rights and privileges intended in this act, and that all property acquired by the said corporation shall be used expressly for the same.

2. *And be it enacted*, That the object of this corporation Objects of incorporation shall be to establish, maintain and conduct an institution of learning for the education of boys, to be located in the borough of Bordentown.

3. *And be it enacted*, That the capital of this corporation Amount of capital stock shall be twenty-five thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be considered personal property, and transferable on the books of the corporation; and any person holding one or more shares of stock shall be a member of the corporation, and shall be entitled at all meetings of the stockholders, or any election or question at issue, to cast one vote, in person or by proxy, for every share of stock by him or her owned, and standing in his or her name on the books of the corporation.

Directors to
be stockhold-
ers.

4. *And be it enacted*, That the business of this corporation shall be conducted and managed by a board of directors, five in number, all of whom shall be stockholders.

Annual elec-
tion of direc-
tors.

5. *And be it enacted*, That the said directors shall be elected annually, on the last day of the academic year, at a meeting of the stockholders annually to be held at the institution in the borough of Bordentown, and by a majority of the votes legally cast by the stockholders and representatives of stock; the directors thus elected shall have power to make by-laws for their own government, and that of the institution and its officers, which by-laws shall not be repugnant to this or to the laws of this state or of the United States; to fill vacancies occurring in their own body, by means of death, removal, inability or refusal to serve of any person elected; and on the event of any failure or neglect of the stockholders to hold an election on the day annually appointed therefor, said directors shall continue in office until a new election shall be held, either at a special meeting of the stockholders, to be held on ten days' notice, in a newspaper printed in the borough of Bordentown, or at a subsequent annual meeting; the directors shall, at their first annual meeting, and annually thereafter, elect a president, a secretary and treasurer, and appoint such other officers, and fix compensation for the same, as they may from time to time deem necessary.

Corporation
may hold
real estate.

6. *And be it enacted*, That as a means of carrying out and accomplishing the object stated in the second section of this act, the directors of the said "Nova Cesarian Institute," shall, on behalf of the said corporation, have power from time to time to purchase, take, have, hold and receive real and personal estate of what kind or quality soever, and to sell, have and dispose of the same.

Property not
subject to
tax.

7. *And be it enacted*, That the property and effects of the said corporation, held or used for the purpose contemplated by this act, shall not be subject to taxation.

Act may be
repealed.

8. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal this act.

When com-
pany may
commence.

9. *And be it enacted*, That whenever ten thousand dollars

shall be subscribed of the said stock, the president and directors may purchase a lot of ground, and proceed to erect thereon such building as they may deem needful and proper, and that instalments of the shares subscribed may be called in, as the wants of the corporation require.

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

Approved March 15, 1856.

CHAPTER CLXXIV.

A FURTHER SUPPLEMENT to the act entitled "An act to authorize the construction of works for the supplying of Jersey City and places adjacent with pure and wholesome water."

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 approved March twenty-ninth, in the year of our Lord one thousand eight hundred and fifty-five, entitled "A further supplement to the act to authorize the construction of works for supplying Jersey City and the places adjacent with pure and wholesome water, approved twenty-fifth of March, eighteen hundred and fifty-two," as directs that a certified account of all water rents and penalties as remain unpaid at the twentieth of December in each year, be delivered by the water commissioners to the mayor and common council to be collected under their direction, be and the same is hereby repealed, and that said water commissioners may at any time after the twentieth day of December in each year, deliver to the mayor and common council of Jersey City an account, certified under the hands of the president, of all

Part of former act repealed.

Account to
be filed and
recorded.

water rents and penalties for delinquency, as were due before said twentieth day of December and remain unpaid, with the name of the owner or occupier of the lot liable to said rent, or whereon the water was used for which such rent was charged, and a description or designation of such lot; and said certified account shall be filed in the office of the city clerk, and recorded in a book to be kept for that purpose; the said account and book, and duly certified copies thereof, shall be evidence of the facts contained therein; and the said mayor and common council may and shall, upon receiving said certified account, cause said lands to be sold for the payment of said water rents and penalties, and the interest thereon from said twentieth day of December, at the rate of twelve per centum per annum, and also costs, charges and expenses of advertising and sale, in the same manner as said mayor and common council are or may be authorized by law to sell lands in said city for the payment of taxes thereon, and said proceedings and the effect thereof shall be the same in all things as if said lands were sold for taxes; and said mayor and common council shall, upon receiving the rents, penalties and interest from such sale, immediately pay over the same to said water commissioners, and until such sale, said water commissioners shall have power to collect and receive said water rents and penalties with interest thereon, at the rate of twelve per centum per annum, from such twentieth day of December, and the costs that may have accrued thereon, and shall, before such sale, certify to the city clerk what rents, penalties and interest therein contained in such certified account have since been paid.

Proceedings
in case ten-
ant refuses
to pay water
rent.

2. *And be it enacted*, That if the occupier of any tenement or lot, for the use of water, upon which any water rent may become due while the same is occupied by him, shall refuse or neglect to pay the same, when due, the owner of such tenement or lot may pay said water rent and the penalties thereon, with interest, and may recover the same, with lawful interest thereon from such payment, of such occupier, by action, or in case such occupier is the tenant or sub-tenant of such owner, by action or distress, to be made and conducted in the same manner as a distress for rent for said premises, such

distress to be levied in six months after such payment, and not to be levied for more than one year, with rent and the penalties and interest thereon, and such rent, penalties and interest shall in no case be recovered by such owner of such occupier, unless as between said owner and occupiers such occupier shall be by law bound to pay the same.

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

Approved March 18, 1856.

CHAPTER CLXXV.

A FURTHER SUPPLEMENT to an act entitled "An act relative to insurance companies," passed December twenty-sixth, eighteen hundred and twenty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bond mentioned in the several sections of the act to which this is a supplement, and therein required to be given to the collector of the county, shall hereafter be given by any person or persons residing in the city of Jersey City, and who may be required by said act to give such bond, to the treasurer for the time being of the fire department of the city of Jersey City, instead of the collector of the county of Hudson; and that such bond shall in all respects conform to the provisions of the act to which this is a supplement, except as hereinbefore stated; and that all the duties enjoined by said act upon the collector of the county of Hudson, so far as the same relate to persons residing in the city of Jersey City, shall hereafter

Bond to be given to the treasurer of the fire department of Jersey City.

be performed by the treasurer for the time being of the fire department of the city of Jersey City.

Penalties,
how recov-
ered.

2. *And be it enacted*, That the penalties mentioned in the fourth and fifth sections of the act to which this is a supplement, shall be recoverable in an action of debt, brought by the said treasurer in his own name, for the use of the fire department of the city of Jersey City.

Collector to
assign bonds
to treasurer.

3. *And be it enacted*, That all bonds now held by the collector of the county of Hudson against any person or persons residing in the city of Jersey City, and who have executed such bonds in accordance with the requirements of the act to which this is a supplement, shall be assigned by the said collector to the treasurer for the time being of the fire department of the city of Jersey City, for the benefit of said fire department.

Approved March, 18, 1856.

CHAPTER CLXXVI.

A FURTHER SUPPLEMENT to the act entitled, "An act for the relief of creditors against absconding and absent debtors," approved April sixteenth, eighteen hundred and forty-six.

Attachment
not to be dis-
continued
unless by
consent of
creditors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where an attachment shall be issued according to the provisions of an act, entitled "A further supplement to the act approved April sixteenth, eighteen hundred and forty-six, and entitled 'An act for the relief of creditors against absconding and absent debtors,'" which further supplement was approved April fifth, eighteen hundred and fifty-five, it shall be lawful for

any creditor or creditors of any defendant in such attachment, to apply for, be admitted under, and receive the benefits of such attachment, in the same manner as now provided by law in case of an attachment issued against an absconding or absent debtor, and such attachment shall not be discontinued by the plaintiff therein, unless the creditors who may have been admitted creditors under it, shall consent in writing to such discontinuance.

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

Approved March 18, 1856.

CHAPTER CLXXVII.

AN ACT to incorporate the Union Canal Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin Van Antwerp, Nehemiah Perry, John C. Beardsley, Appollos M. Elmer, Oliver S. Halsted, junior, James Albro, James A. Pennington, Abel S. Hatfield, and such persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of the "Union Canal Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary and expedient for the objects of this incorporation. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of the said company shall be one million of dollars, with Amount of capital stock.

liberty to increase the same to two millions, 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.

Commission-
ers to receive
subscrip-
tions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state, and at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them, and as soon as two hundred and fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give notice for a meeting of the stockholders, to choose thirteen directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all the expenses previously incurred, to the directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall be a resident of this state; and in case of death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such

Election of
directors

power and functions as the by-laws of said corporation shall provide.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Payment of instalments.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a canal from some point in the city of Newark, at or near where the meadow and upland join and come together, to a point on the Newark bay, below the shoal water known as the "flats," between the city of Newark and Elizabethport; *provided always*, that it shall and may be lawful for the said company to occupy and take as much land, not exceeding three hundred feet in width, except in such places where, from the depth of the excavation, or the height of the embankment, or for locks or basins, it is necessary to take more land, in which case so much land as shall be necessary for the purpose, and no more, shall be taken; and it shall and may be lawful for the

Company authorized to construct road.

Proviso.

said president and directors, their agents or others in their employ, to enter at all times on all lands and waters for the purpose of exploring, surveying, or laying out the route of said canal, and of locating the same, and to make and erect all necessary works and appendages thereof, and when the route of such canal shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, and other persons in its employ, to enter upon and take possession of, hold, occupy, have, use and excavate any such lands, for the purpose of completing and making such canal, as shall be necessary, subject to such compensation as is hereafter provided.

Proceedings
in case com-
pany and
owners can-
not agree.

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

such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners, (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said land and materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said canal, as the case may be, to the said owner or owners, and to make just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hand and seal of said commissioners, or any two of them, and filed in the clerk's office of the county of Essex, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy said land and property, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, if they shall neglect and refuse to pay the same for sixty days after demand made of their treasurer or secretary.

8. *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 canal. Dividends.

9. *And be it enacted*, That the president and directors of said company shall have power to construct or purchase all boats or other vehicles for the transportation of persons or any species of property on said canal, as they may think expedient or right. Company may purchase boats &c.

10. *And be it enacted*, That as soon as the canal, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said canal, Annual statement to be made.

including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said canal, until the net income of the said canal shall amount to seven per centum upon the amount of its cost, and as soon as the net proceeds of said canal shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said canal, to be paid annually thereafter on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Company
may make
contracts
with other
corporations.

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

Penalty for
injuring
works.

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

Corporation
may borrow
money.

13. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said canal, or for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or otherwise on said canal, or on the land, privileges, franchises, appurtenances of or belonging to said corporation, on the best possible terms, to be sanctioned by the board of directors, or a majority thereof.

Approved March 18, 1856.

CHAPTER CLXXVIII.

SUPPLEMENT to an act entitled "An act for the relief of the creditors and stockholders of the Somerville Water Power Company, and the Hudson Manufacturing Company," approved the tenth day of March, eighteen hundred and fifty-six.

WHEREAS, by the act to which this is a supplement, John Preamble.

M. Mann and Joshua Doughty, receivers heretofore appointed by order of the chancellor of this state, are authorized and empowered to sell and convey all the estate, franchises and works, and appurtenances and rights of the above companies, free and clear of liens and incumbrances whatever, to the highest bidder for the same; and whereas, their power, authority and duty over and respecting the proceeds and avails of such sale, are not in the original bill defined with sufficient certainty and precision, for remedy whereof, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after such sale and conveyance shall be made, pursuant to the act to which this is a supplement, it shall be lawful for said receivers to deduct from the proceeds of said sale, all reasonable allowance for commissions and services heretofore rendered by them, as such receivers, and to pay out of said proceeds all expenses by them incurred in effecting and consummating such sale, and all such costs and expenses as have heretofore been incurred in the suit now pending in the court of chancery of this state, wherein they were appointed receivers as aforesaid; and after the same are paid and satisfied out of the proceeds of such sale, that the said receivers shall next out of said proceeds of sale, pay off and satisfy all just and lawful debts due from said companies to any creditor or creditors, in the order of priority in which they may lawfully stand of record; *provided*, they may not have been Distribution of proceeds of sale.
Proviso.
heretofore otherwise paid and satisfied, or embraced and included in subsequent record liens; and after the payment of such debt or debts of record, said receivers shall, out of the

balance of such proceeds, pay and satisfy all other just and lawful debt or debts against said companies, which are not of record, if said balance is sufficient for that purpose, and if not sufficient, then in proportion to the respective amounts of such debts or claims; and after the payment of all said last mentioned debts, the said receivers shall ascertain by due and legal evidence, who, as contributors to the property, franchises and works of said companies, or as stockholders in the same, are entitled to the balance of said proceeds, and in what proportions; and shall pay to such persons their respective portions of such balance.

Receivers
may examine
witnesses.

2. *And be it enacted*, That said receivers shall have power to subpoena and examine witnesses touching the duties and trusts by this act and the act to which this is a supplement reposed in them, and they shall make report thereof to the chancellor of this state, what they may do in the premises; any person aggrieved by their proceedings, shall be at liberty to file exceptions to such report, in respect to his own particular interest therein, which exceptions shall abide the final decree of the chancellor to be made therein.

Approved March 18, 1856.

CHAPTER CLXXIX.

AN ACT making appropriation for the State Penitentiary.

WHEREAS by the report of the joint committee of the senate and house of assembly upon the affairs of the state prison, they recommend to the legislature an appropriation of five thousand dollars for the purpose of carrying on the affairs of the institution—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall pay, on the warrant of the governor, to William B. Vander-
veer, keeper of the state penitentiary, the sum of five thousand dollars, to be applied and expended by him in and about the business and affairs of said institution.

Preamble.

Appropriation for use of state prison.

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

Approved March 18, 1856.

CHAPTER CLXXX.

AN ACT to incorporate the Phillipsburgh Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Young, John Cline, John Fulmer, Henry Bowers, John Green, Abraham N. Carpenter and Lewis Young, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Phillipsburgh Bank," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section

Names of corporators.

of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each; that the said John Young, John Cline, John Fulmer, Henry Bowers, John Green, Abraham N. Carpenter and Lewis Young, or a majority of them, shall be and they are hereby appointed commissioners, to open at the village of Phillipsburgh, in the county of Warren, books of subscription for, and receive subscriptions to, said capital stock, giving at least twenty days' notice in a newspaper printed at Belvidere, in the county of Warren, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the same may be sooner subscribed; and if the whole amount shall not be subscribed within that time, the said commissioners may continue to keep the books open from day to day until the whole capital stock shall be subscribed; that upon the first three days of the opening of said books, no persons but citizens of New Jersey shall be allowed to subscribe for said stock, and a majority of said stock shall be owned by citizens of the state of New Jersey; and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Annual elec-
tion of di-
rectors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, five of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws;

that the said directors shall be stockholders, and shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year, and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of May in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors by advertisement in a newspaper printed in the county of Warren, that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend, in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her or their own name or names, not exceeding ten, and one vote for every five shares exceeding ten, for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, and having the highest number of votes, as many as may be required to make up the full number of nine directors; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said nine directors to be president, as well of their board as of said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation or otherwise, such vacancy may be filled for the remainder of the year, by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently

may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Election of
first direc-
tors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the village of Phillipsburgh aforesaid, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in at least one newspaper printed in the county of Warren; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors, and they shall conduct the said first election, as near as may be, in the manner hereinbefore prescribed for the said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them, not exceeding ten, and one vote for every five shares exceeding ten; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president in the manner hereinbefore prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them; and the receipt of said president and cashier for said moneys shall be a full and absolute acquittance and discharge therefor; and the said first board of directors shall have power to fill vacancies therein, by death, resignation, or otherwise, and shall hold their offices until the second Tuesday of May next after their election, and until their successors shall be chosen.

Payment of
instalments.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be tax-

ed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such instalments, and at such times as the said board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said instalments shall be given by advertisement in a newspaper printed in the county of Warren; and that no instalment of more than ten dollars on each share shall be called in at one time, nor shall said instalments be required to be paid nearer than within ten days of each other: Proviso.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable, however, to be removed, and another appointed in his stead, at the pleasure of the said board of directors; and upon such appointment or re-appointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved of by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank. Cashier to give bond and take oath.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills, obligatory and of credit, under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her or Bills or notes of corporation.

their assignee or assignees successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Semi-annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rates of discount.

Proviso.

9. *And be it enacted* That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

Transfers to be registered

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring, shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

Charter void if notes are not redeemed

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house, during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under pain of forfeiting its charter, wholly discontinue or cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

Assets liable for redemption of bills.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery

or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all the other creditors.

13. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed, for the payment of any such bill or notes, as if the same were their joint and several bills or notes, executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no resignation had been attempted; and such liability of directors shall continue after they ceased to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution, under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Liability of directors.

Proviso.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Amount of assets to be distributed ratably.

15. *And be it enacted*, That the stockholders of said corporation at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any re-

Liability of stockholders.

ceiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills and notes after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Action
against di-
rectors or
stockholders.

Proviso.

16. *And be it enacted*, That in case of an action or suit at law against any director or directors, stockholder or stockholders, under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

Amount of
issue.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment, not less than one year nor more than five years, in the discretion of the court.

Monthly
statements
to be made.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish, in at least one newspaper in the county of Warren, a statement, under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be with the annual statement

now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

19. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state, stating that thirty thousand dollars of the capital stock of said corporation had been subscribed for and paid in, conformable to the provisions of this act.

When company may commence business.

20. *And be it enacted*, That this act shall be deemed and considered a public act, and shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal the same, whenever, in their opinion, the public good shall require it.

Public act.

Approved March 19, 1856.

JOINT RESOLUTIONS.

NUMBER I.

Joint resolution in relation to Commodore Charles Stewart, of
the United States Navy.

WHEREAS, Commodore Charles Stewart, an eminent citizen Preamble.
of this state, by the action of a board created under the
act of congress, passed February twenty-eighth, eighteen
hundred and fifty-five, entitled "An act to promote the effi-
ciency of the navy," has been deposed from his well earned
position of senior post-captain of the United States navy,
and placed upon the retired list authorized by said act; *and*
whereas, the said action of said board has been approved
by the president of the United States, but Commodore
Stewart has appealed from the same to the representatives
of the American people in congress assembled; *and whereas*,
in the judgment of this legislature the said action of said
board is grossly unjust to Commodore Stewart, and against
the wishes and sense of justice of a large majority of his
fellow citizens of this state; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the* Restoration
of Commo-
dore Stewart.
State of New Jersey, That our senators and representatives in
congress be requested to obtain from congress such legisla-
tion or action as may be necessary and proper to reverse the
said action of the said board, and the approval thereof by the
president of the United States, and to restore the said Com-
modore Charles Stewart to his late position of senior post-
captain of the navy.

Copies to be
forwarded.

2. *And be it resolved*, That the governor be requested to transmit a copy of this resolution to the president of the United States, to Commodore Charles Stewart, and to each of our senators and representatives in congress.

Passed February 6, 1856.

NUMBER II.

Joint resolution relative to the distribution of Nixon's Digest.

Distribution
of digest.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be authorized to cause copies of "Nixon's Digest" to be distributed as follows, viz: To the president of the United States, and to the heads of the executive departments of the general government, for the use of the offices over which they preside, each one copy; to the librarian of the congressional library, for the use of said library, four copies; to the executives of the states and territories within the United States, for the use of such state and territory, each one copy; to each of the senators and representatives of this state in the congress of the United States, one copy; to the librarian of the New Jersey historical society one copy, for the use of said society; and to the college of New Jersey, Rutger's college and Burlington college, each three copies, for the use of the said colleges and the literary societies thereof, and that the state treasurer be authorized to deliver to the state librarian, to be kept in the state library for the use of the legislature and courts of this state, twenty copies.

Passed February 6, 1856.

JOINT RESOLUTIONS.

407

NUMBER III.

Joint resolution relative to the protection of lives and property of vessels wrecked upon the coast of New Jersey.

WHEREAS, Congress has recognized the obligation of the general government to promote the safety of commerce along the sea-board, by providing houses to shelter the shipwrecked mariner, and the most approved implements for saving their lives, but have omitted to appoint persons whose duty it should be to render such means effective, by reason of which omission great suffering and destruction of life and property has taken place during the recent severe storms upon our coast; therefore,

Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators in congress from this state be instructed, and our representatives be requested to use their efforts in procuring the passage of an act providing for the appointment of proper persons, with suitable compensation, whose duty it shall be, whenever vessels shall be wrecked upon our coast, to immediately take charge of, and render fully effective such means as have been or may hereafter be provided to save lives and relieve the sufferings of the shipwrecked.

Persons to take charge of implements.

2. *And be it resolved*, That the governor be requested to transmit to each of our senators and members of the house of representatives a certified copy of these resolutions.

Copies to be forwarded.

Passed February 21, 1856.

JOINT RESOLUTIONS.

NUMBER IV.

Joint resolutions in commendation of Dr. E. K. Kane, of the United States navy, and others.

Preamble

WHEREAS, Dr. Elisha K. Kane, by his explorations and discoveries in the Arctic regions, his indomitable perseverance and skill in conducting the expedition in search of Sir John Franklin, and the valuable additions he has made to science, has founded a claim upon the commendation of his countrymen; therefore,

Resolution of thanks to Dr. Kane, &c

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That we, in common with foreign governments, and other states of the union, which have especially acknowledged his eminent services, do hereby tender our thanks to Dr. Kane, and to the officers and crew under his command in said expedition.

Governor to transmit copy.

2. *And be it resolved*, That the governor be requested to transmit a copy of these resolutions to Dr. Kane, and through him to his officers and crew.

Passed February 26, 1856.

NUMBER V.

Joint resolution relative to the prevention of the sale of adulterated and impure guano.

Preamble.

WHEREAS, it is represented great imposition and fraud is practised upon our agriculturists by the sale of adulterated and impure guano, the genuine being manufactured and mixed with foreign substances, to the great loss of the pur-

chaser or consumer; and whereas, it is desirable that the purchasers of guano should be protected from fraud—therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators are hereby instructed, and our representatives in congress requested, to have inspectors, competent chemists, appointed by the government, at the different ports of entry, whose duty it shall be to inspect and mark the properties and value of each ton that is sold, and to examine and analyze any that may have been sold, to determine its quality, and to further promote the passage of a law making it a misdemeanor to mix foreign substance with guano. Inspection
of guano.

Passed February 26, 1856.

NUMBER VI.

Joint resolution relative to the construction of a breakwater at
Cape May.

WHEREAS, certain resolutions were passed by the legislature of this state in the session of eighteen hundred and fifty-three, and at other sessions prior thereto, requesting our senators and representatives in congress to use their efforts to obtain an appropriation towards the construction of a breakwater harbor at Cape May, which have thus far resulted in no measures on the part of the general government in furtherance of that all-important object; and whereas the coasting trade connected with the river Delaware has materially increased since the time referred to, and still continues thus to do, and it is positive that the amount of vessel property engaged in the coal carrying

Preamble.

business alone, would fully warrant such an appropriation, from the fact that there is a greater amount of tonnage engaged in this business than in any or all others taken together; and whereas the construction of a breakwater near Cape May could be made at a cost not exceeding one-fourth of the amount already expended on the breakwater near Cape Henlopen, (as by reference to the survey made by Major Bache, of the topographical engineer corps, in the year eighteen hundred and thirty-six, will more fully appear), and that said breakwater would afford a more ample and important harbor, not only to vessels entering and departing from the Delaware bay, but also to those passing along our coast in tempestuous weather, and is imperiously called for by our fellow citizens along the whole Atlantic coast of the United States, interested in the coasting trade, and out of the track of coasting vessels north of Cape May, and very difficult of access in thick and stormy weather—therefore,

Act for ap-
propriation.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be once more earnestly requested to use their utmost exertions to obtain during the present or the next session of congress, an appropriation for the commencement of a breakwater harbor on Crow shoal, in the Delaware bay, near Cape May.

Copies for
members of
congress.

2. *And be it resolved*, That the secretary of state be directed to forward to each of our senators and representatives in congress a copy of these resolutions and preamble.

Copies for
governors.

3. *And be it resolved*, That the governor of this state be requested to communicate the same to the governors of Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware and Maryland, desiring them to lay the same before their legislatures, respectfully soliciting their co-operation in this measure.

Passed March 6, 1856.

JOINT RESOLUTIONS.

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NUMBER VII.

Joint resolutions relative to the improvement of the harbor at Absecom, Great and Little Egg Harbor Inlets.

WHEREAS, the extreme cold of the present winter, by the pro-^{Preamble.}duction of large quantities of ice in the rivers, bays and harbors of the Atlantic coast, has seriously impeded, and in many cases totally prevented the navigating of the same, to the great loss and damage of the community, and shown the necessity of providing, if possible, more harbors convenient and accessible at all times; and whereas, the harbors of Absecom, Great and Little Egg Harbor have inlets seldom or never obstructed by ice, easy of access at all times, and constantly in use as harbors of refuge for large numbers of coasting vessels; and believing that said inlets and harbors can be improved and made available for the use and safety of a large number of vessels, if properly improved, 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 instructed to use their influence to obtain appropriations for the improvement of the above inlets and harbors. ^{Appropriation for improvement.}

2. *And be it resolved*, That the governor be requested to forward to each of our senators and representatives in congress, a copy of the above resolutions. ^{Copies to be sent.}

Approved March 13, 1856.

JOINT RESOLUTIONS.

NUMBER VIII.

Joint resolution granting to the clergymen of the city of Trenton certain privileges.

Privilege to
clergymen.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the clergymen of the city of Trenton are hereby granted the same rights and privileges to use the books and papers belonging to the state library, as are now enjoyed by the legal profession.

Passed March 11, 1856.

NUMBER IX.

Preamble.

WHEREAS, a treaty was concluded in the year eighteen hundred and fifty, between the governments of Great Britain and the United States, commonly called the Clayton and Bulwer treaty, binding both governments, and containing, among other stipulations, these—"neither will occupy or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America;" "neither will use any protection, which either affords or may afford, on any alliance which either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising any dominion over the same;" and whereas, the government of Great Britain has hitherto failed to comply with the above stipulations, under the plea that the treaty does not mean what its language plain-

ly expresses; and whereas, the government of Great Britain has, through its agents and officers, attempted to enlist men for its military service within the territory of the United States, in violation of our laws and derogation of our sovereignty; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That New Jersey will sustain the national administration in maintaining that construction of the Clayton-Bulwer treaty plainly expressed in its language, or in abrogating said treaty entirely.

2. *And be it resolved*, That if the government of Great Britain should refuse to make such reparation and apology as the occasion requires, then a due regard for the honor and interest of this country requires a prompt dismissal of those officials who have abused their privileges by attempting to enlist men within the territory of the United States.

Passed March 13, 1856.

NUMBER X.

Joint resolutions for the better preservation of life and property, and the more effective working of the government apparatus on the New Jersey coast, between Sandy Hook and Cape May.

WHEREAS, the government of the United States has, from Preamble. time to time, made appropriations for promoting the safety of commerce and the preservation of life and property on the sea coast of this state, thereby acknowledging the constitutionality and obligation of such appropriations, and while the state of New Jersey fully appreciates the appropriations thus made, relieving the state in part of the op-

pressive burden it has been laboring under too long; yet, the large and increasing number of emigrants, and amount of government property cast annually upon our shores by shipwreck, which with adequate means might be saved, demand still larger and regular appropriations; and whereas, the proportion of vessels belonging to this state, compared with those from all the other states and from foreign ports, wrecked upon the New Jersey coast, is about as one to eight, that is to say, out of every one hundred vessels wrecked, only about eight or ten properly belong to New Jersey, by which an unjust and heavy tax is imposed upon the state, in saving life and burying the dead from all nations; and whereas, Hon. John R. Thomson, United States senator from this state, has introduced a resolution, enquiring "whether any and what means in addition to those already adopted are advisable, more promptly and effectually to afford aid to shipwrecked vessels" on the coast of New Jersey; therefore,

Amount of
appropriations.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be respectfully requested to urge the passage of an act making such appropriations for the better preservation of life and property, and the interment of the dead cast upon the shores of this state by shipwreck, as will pay all the expenses incurred in the same, as follows:

To the station house keepers (twenty-eight in number), each \$200.00, - - - - -	\$5,600 00
Pay of boats crew (seven in number), at every other station house, to be called by the keeper, as circumstances may require, say thirty days, at two dollars per day each, - - - - -	5,880 00
Completing the apparatus and keeping all the stations in perfect order, estimated at about - - - - -	5,000 00
Salary and expenses of coast superintendent, Coroners' bills, to be paid to the respective counties, by the secretary of the treasury of the United States, through the treasur-	2,000 00

er of this state, as provided for by the laws of this state, estimated at about - 5,000 00

To encourage and reward the brave and heroic efforts of those who jeopardize their lives to save the lives and property of the shipwrecked, to be paid at the discretion of the secretary of the treasury of the United States, through such medium as his judgment may dictate, say - 2,000 00

\$25,480 00

2. *And be it resolved*, That the governor of this state be respectfully requested to transmit to each of our senators and representatives in congress a copy of the above resolutions and preamble. Copies to be transmitted.

Passed March 14, 1856.

NUMBER XI.

Joint resolutions relative to the case of Wm. R. Montgomery, late a Brevet Lieutenant-colonel in the United States army.

WHEREAS, William R. Montgomery, a native of this state, late a brevet lieutenant-colonel in the United States army, was recently dismissed the service, upon conviction by a court martial, on certain charges preferred against him; and whereas, it is represented that said William R. Montgomery is in possession of evidence which he was unable to produce on the trial of his case, competent and sufficient to establish his innocence of said charges; and that he is en- Preamble.

deavoring to obtain reinstatement in the service, and a new trial; therefore,

Reinstatement of W. R. Montgomery.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress from this state, be requested to use their best efforts to obtain from the President of the United States an order reinstating the said William R. Montgomery in the army, and a new trial of his case.

Resolutions to be forwarded.

2. *And be it resolved*, That the governor be requested to transmit a copy of the above preamble and resolution to each of our senators and representatives in congress.

Passed March 14, 1856.

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POPULATION
OF THE
COUNTIES, TOWNSHIPS AND WARDS
IN THE
STATE OF NEW JERSEY,

ACCORDING TO THE CENSUS OF 1855.

(By Authority of a Law of said State.)

Compiled by the Secretary of State, and ordered to be printed with the Laws.

NEW BRUNSWICK:
A. R. SPEER, PRINTER.

1856.

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF ATLANTIC, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhab- itants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Atlantic City.....	79	65	5	8	31	16			19	15	1	1	204
Egg Harbor.....	1518	1459	25	24	6	3			461	449	6	5	3035
Galloway.....	1090	1037	61		17	8			378	401	44	52	2286
Hamilton.....	818	769	31	25	85	88		1	288	283	16	9	1817
Mullica.....	256	203	1	2					99	78		1	462
Weymouth.....	422	379			3				133	110			804
	4183	3912	123	132	142	115		1	1378	1336	67	68	8608

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF BERGEN, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Franklin	920	883	26	22	124	104	2	4	329	268	6	5	2085
Hackensack	1336	1386	148	139	660	495			426	398	27	27	4164
Harrington	472	466	120	90	167	118	3	1	156	149	43	29	1437
Hohokus	797	791	131	111	112	100			266	236	36	29	2042
Lodi	290	302	63	60	383	321			154	150	22	8	1419
New Barbadoes	969	1043	119	135	282	261			292	295	29	34	2809
Saddle River	367	335	61	51	109	85			131	103	19	16	1008
Union	211	240	21	22	119	135			79	92		6	748
Washington	861	832	92	109	86	82			239	200	30	34	2062
	6223	6278	781	739	2042	1701	5	5	2072	1891	212	188	17,774

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF BURLINGTON, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Bordentown	1732	1807	129	140	320	317			502	487	38	32	4445
Burlington	2219	2758	213	320	259	433	3		734	821	50	61	6205
Chesterfield	708	690	46	35	93	83			209	179	17	10	1655
Chester	1861	1910	130	124	326	315			580	534	45	33	4666
Evesham	1248	1270	139	151	195	147			407	392	37	49	3150
Little Egg Harbor	1071	1034	12	20	15	3			367	326	9	11	2155
Mansfield	1103	1136	38	41	145	115	1		361	317	13	13	2579
Medford	1284	1367	63	39	120	70			399	419	29	7	2943
New Hanover	980	985	83	72	32	32			307	267	23	15	2184
Northampton	1370	1496	56	82	131	154			386	356	20	10	3289
Pemberton	1036	1074	26	10	72	49			352	373	5	5	2277
Shamong	490	430	22	18	51	32			203	192	5	9	1043
Southampton	1520	1486	3	7	75	55			443	392			3146
Springfield	833	781	11	16	71	61			294	231	1	6	1773
Washington	555	463	20	10	89	53			230	178	8	3	1190
Westampton	499	524	84	94	87	80			194	150	23	24	1369
Willingborough	1023	1094	12	9	109	127			315	308	2	1	2374
	19,532	20,305	1087	1197	2190	2127	4		6283	5928	325	289	46,442

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF CAMDEN, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Camden—North Ward	935	1035	4	26	192	269		1	316	330		2	2462
“ South “	1645	1758	293	356	219	194	12	12	556	523	55	72	4489
“ Middle “	1727	2026	6	35	226	241	3	2	431	504	1	6	4266
Centre.....	318	319	194	220	59	48			118	126	92	96	1158
Delaware	1105	1168	161	166	259	199			357	357	46	50	3058
Gloucester	933	919	48	55	98	70			370	330	14	20	2123
Newton	1046	1155	292	286	287	278	2	7	339	316	71	60	3353
Union	682	817	13	16	383	542			334	310	7	7	2453
Washington.....	1100	1047	5	11	127	60			346	328	1	3	2350
Waterford.....	674	656	41	26	110	86			216	204	11	5	1593
Winslow.....	852	818	13	10	90	72			248	257			1855
	11,017	11,718	1070	1207	2050	2059	17	22	3631	3585	298	321	29,160

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF CAPE MAY, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	M	Female	
Cape Island.....	226	259	21	33	28	30			78	74	2	11	597
Dennis	741	720	1	5	8	5			212	192		2	1480
Lower	549	576	70	83	14	10			168	166	21	24	1302
Middle	941	961	32	33	28	12			272	302	14	9	2007
Upper	767	751	12	7	7	5		1	193	203	9	2	1549
	3224	3267	136	161	85	62		1	923	937	46	48	6935

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF CUMBERLAND, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhab- itants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Bridgeton	1224	1373	130	121	36	25			330	316	35	28	2909
Cohansey	423	495	11	23	29	29			150	129	4	7	1010
Deerfield	524	477	7	6	18	3			159	146	2		1035
Doune	1472	1392	14	10		3			338	325	4	3	2891
Fairfield	1045	936	110	114	31	18			305	285	33	33	2254
Greenwich	377	374	189	161	57	42			115	115	56	42	1200
Hopewell	666	643	71	67	58	18			194	189	15	17	1523
Maurice River	1187	1099	32	44	28				368	353	8	15	2434
Millville	1233	1189	29	33	133	73			449	444	7	12	2690
Stow Creek	473	457	12	8	42	27			137	146	5	4	1020
	8624	8435	605	587	448	266			2545	2448	169	161	18,966

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF ESSEX, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Belleville	1071	1014	42	45	562	545			432	415	11	10	3279
Bloomfield	1051	1188	28	30	467	532			351	380	7	10	3296
Caldwell	1064	1020	2	4	208	174			368	332			2472
Clinton	1076	1133	29	22	582	533			390	406	7	5	3375
Elizabeth City—1st Ward.....	692	658	17	19	652	585		1	293	283	3	3	2624
“ 2d do.	914	1125	63	67	469	562			340	329	12	17	3200
“ 3d do.	987	1055	45	54	494	519			405	343	11	15	3154
Livingston	519	490	3	3	118	75			183	143	1	1	1208
Newark—1st Ward.....	2114	2364	24	29	747	999			900	905	8	8	6277
“ 2d do.	1816	2053	97	96	757	881			779	719	9	5	5700
“ 3d do.	1550	1762	41	53	622	740			510	482	11	5	4768
“ 4th do.	1985	2113	54	84	1146	1254			749	764	10	13	6636
“ 5th do.	2674	2868	114	126	1857	2078			1297	1287	21	17	9717
“ 6th do.	1094	1288	60	66	2206	2318			709	695	16	12	7032
“ 7th do.	470	554	35	51	1303	1360	4	3	900	786	17	26	3780
“ 8th do.	684	799	94	106	688	719			424	470	26	29	3090
“ 9th do.	1737	2008	19	38	376	533			488	509	2	5	4711
New Providence.....	364	410	6	5	237	234			163	141	3	2	1256
Orange	2166	2266	53	52	1028	1013			696	661	10	9	6578
Plainfield	1417	1713	69	61	338	325			355	391	17	8	3923
Rahway	1207	1255	64	89	512	433			365	379	12	16	3560
Springfield	878	886	16	29	196	179			299	271	9	12	2184
Union	660	694	19	13	174	158	13	3	205	166	11	3	1734
Westfield	607	667	35	25	153	158			207	158	14	9	1645
	28,797	31,383	1029	1167	15,892	16,907	17	7	11,808	11,415	248	240	95,199

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF GLOUCESTER, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Deptford.....	1536	1522	140	152	230	158			496	421	43	39	3738
Franklin.....	1413	1310	23	22	231	151			587	531	7	6	3150
Greenwich.....	899	882	34	34	98	38			289	233	9	8	1985
Harrison.....	1074	1006	11	15	158	100			372	306	2	7	2364
Mantua.....	745	708	12	10	45	37	1		207	218	3	3	1558
Woolwich.....	1532	1429	122	117	180	86			451	409	37	34	3466
	7199	6857	342	350	942	570	1		2402	2118	101	97	16,261

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF HUDSON, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Bergen	1583	1683	133	121	750	701	1		551	508	32	37	4972
Harrison	448	463	3	3	328	271			171	188			1516
Hoboken—1st Ward	679	724	3	2	667	645	5	3	222	269			2728
“ 2d do.	367	417	4	8	442	585			158	161		1	1823
“ 3d do.	475	536		3	539	623			217	257			2176
Hudson City	1088	1065	3	10	561	595			416	461	2	6	3322
Jersey City—1st Ward	1306	1239	11	13	574	960			483	448	2	1	4103
“ 2d do.	1019	1026	7	10	892	896			471	453	3	1	3850
“ 3d do.	1903	1849	51	68	1545	1754	1	1	852	859	10	16	7172
“ 4th do.	1977	1964	50	81	1170	1344	1	3	816	858	10	24	6590
North Bergen	814	775	26	23	956	975	2		492	428	7	8	3571
	11,659	11,741	291	342	8424	9349	10	7	4849	4890	66	94	41,823

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF HUNTERDON, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Alexandria.....	1972	1931	26	27	56	27			516	491	5	6	4039
Bethlehem.....	670	651	9	11	42	29			248	238	3	2	1412
Clinton.....	1278	1277	35	33	75	85			381	380	9	12	2783
Delaware.....	1301	1273	27	25	66	34			263	323	9	6	2726
East Amwell.....	713	743	62	61	15	6			200	189	10	16	1600
Franklin.....	763	734	9	18	29	16			194	239	2	8	1569
Kingwood.....	888	925	1	3	18	10			249	251	1		1845
Lambertville.....	582	674	21	18	276	301			198	215	6	5	1872
Lebanon.....	1080	1052	12	11	55	38			360	305	2	2	2248
Raritan.....	1403	1457	46	68	56	39			371	353	15	13	3069
Readington.....	1282	1408	41	35	20	27			355	378	3	5	2813
Tewksbury.....	1047	1022	55	41	27	28			291	295	10	9	2218
Union.....	553	546	3	8	26	25			180	173		3	1161
West Amwell.....	494	455	31	30	26	19			154	146	4	13	1055
	14,026	14,148	378	389	787	682			3960	3976	79	100	30,410

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF MERCER, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
East Windsor	1337	1241	37	49	67	66	3	1	385	330	6	8	2801
Ewing	584	612	64	53	238	180			185	163	23	13	1731
Hamilton	1352	1333	59	54	220	200			461	420	21	13	3218
Hopewell	1690	1837	146	124	152	122			403	392	42	22	4071
Laurence	724	684	102	121	238	221			279	196	43	38	2090
Nottingham	261	243	3	6	63	59			120	92			635
Princeton	920	997	260	332	192	252	1		330	313	79	101	2954
Trenton—First Ward	918	1003	20	27	201	245			264	275	3	6	2414
“ Second “	898	1002	73	134	304	395			286	299	7	31	2806
“ Third “	875	900	1	2	405	366			306	310			2549
“ Fourth “	1024	1071	8	16	497	428			374	398	1	2	3044
“ Fifth “	1087	1197	60	90	254	273			334	342	21	21	2961
West Windsor	644	611	48	31	56	58			194	175	14	16	1448
	12,314	12,731	881	1039	2887	2865	4	1	3924	3705	260	271	32,722

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF MIDDLESEX, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Monroe	1344	1356	27	41	114	104			370	350	5	5	2986
*North Brunswick	4413	4759	211	280	1209	1513	9	9	1443	1431	43	38	12,403
Perth Amboy	855	928	41	41	229	261		1	292	302	15	10	2356
Piscataway	1133	1179	103	135	246	226			355	336	28	42	3022
South Amboy	985	916	15	14	407	268			382	343	5	1	2605
South Brunswick	1247	1296	137	84	154	106			435	443	50	21	3024
Woodbridge	2129	2371	116	149	655	587			699	651	36	38	6007
	12,106	12,805	650	744	3014	3065	9	10	3976	3856	182	155	32,403
*City of New Brunswick, included in North Brunswick returns }	3563	3869	182	254	1029	1342	9	9	1148	1141	37	37	10,257

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF MONMOUTH, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Atlantic	600	582	95	82	125	97			181	165	28	22	1581
Freehold	1430	1270	134	145	245	207			406	349	29	27	3431
Howell	1102	1123	10	16	43	28			341	371	4	6	2322
Manalapan	800	796	101	107	141	98			245	259	35	34	2043
Marlborough	580	575	36	42	256	197			235	196	9	12	1686
Middletown	1447	1493	171	181	372	365	1		484	388	42	40	4030
Millstone	789	733	45	38	95	76			265	196	17	12	1776
Ocean	1904	1837	83	81	191	79			586	566	15	7	4085
Raritan	2348	2339	154	167	373	334			695	690	44	37	5715
Shrewsbury	1353	1388	201	207	200	231			391	400	57	56	3580
Upper Freehold	1012	1042	132	116	110	71			356	368	50	36	2483
Wall	1070	1059	5	3	55	54			345	355			2246
	14,435	14,237	1167	1185	2116	1837	1		4530	4303	330	289	34,978

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF MORRIS, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Chatham	998	1016	40	42	294	292			387	333	12	11	2682
Chester.....	704	641	8	6	39	28			172	162	2		1426
Hanover.....	1453	1509	55	59	329	328			506	468	13	13	3733
Jefferson.....	680	642	2	2	22	11			212	203		1	1359
Mendham.....	879	866	23	17	75	73			229	218	10	5	1933
Morris.....	2152	2311	84	107	470	552			640	661	15	17	5676
Pequannock.....	2028	1966	67	68	432	358			653	653	12	16	4919
Randolph.....	1193	1217	10	10	371	300			365	356	1	3	3101
Rockaway.....	1249	1139	28	15	287	213			538	482	10	4	2931
Roxbury.....	1139	1112	10	17	109	67			320	345	1	2	2454
Washington.....	1059	1090	43	36	24	27			373	341	18	12	2279
	13,534	13,509	370	379	2452	2249			4395	4222	94	84	32,493

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF OCEAN, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Brick	752	827			30	20			257	279			1629
Dover	1256	1111	12	13	44	46			415	330			2482
Jackson	605	586	12	12	5	1			221	236	6	7	1221
Plumsted	774	755	86	62	56	45			225	227	26	16	1778
Stafford	721	656			8	4			223	235			1389
Union	948	1052	2	1	23	16			308	353			2042
	5056	4987	112	88	166	132			1649	1660	32	23	10,541

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF PASSAIC, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Aequackanonk	998	991	40	34	533	471			400	344	5	3	3067
Manchester	189	207	23	29	81	61			82	92	11	12	590
Paterson—North Ward	925	1088	44	63	167	127			297	282	7	18	2414
“ South “	904	1125	9	14	1056	1183			541	620	2	2	4291
“ East “	1052	1132	92	124	648	647			479	410	18	28	3695
“ West “	934	1176	16	9	749	834			477	548	7	2	3718
“ Fifth “	587	688	14	16	508	527			227	281			2340
Pompton	654	600	39	38	59	43		1	261	254	10	15	1434
Wayne	397	424	22	22	96	79			158	158	7	8	1040
West Milford	1055	879	29	14	33	25			430	344	16	6	2035
	7695	8310	328	363	3980	3997		1	3352	3333	83	94	24,624

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF SALEM, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabi- tants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Elsinborough	230	217	74	85	43	26			93	72	16	16	675
Lower Alloway's Creek	625	588	99	90	24	5			209	176	22	15	1431
Lower Penn's Neck	630	522	129	108	78	26			223	164	34	33	1493
Mannington	765	652	398	376	51	35			251	183	102	97	2277
Pilesgrove	1074	1118	156	152	110	54			410	360	43	54	2664
Pittsgrove	610	542	2	1	7	8			203	162			1170
Salem	1350	1551	70	120	231	208			367	433	14	25	3530
Upper Alloway's Creek	1260	1232	123	110	44	31			402	404	36	34	2800
Upper Penn's Neck	1309	1148	19	27	65	31			394	326	7	6	2599
Upper Pittsgrove	768	707	2	2	72	36			254	267			1587
	8621	8277	1072	1071	725	460			2806	2447	274	280	20,226

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF SOMERSET, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Bedminster	839	829	81	67	65	66			235	226	26	24	1947
Bernards	972	1034	46	38	150	132			316	307	7	7	2372
Branchburg	478	494	54	38	46	42			139	136	16	9	1152
Bridgewater	1781	1902	130	148	354	329	3		563	497	27	18	4647
Franklin	1288	1172	208	204	279	221			450	307	51	51	3372
Hillsborough	1449	1453	181	166	123	111			429	385	57	51	3483
Montgomery	737	735	116	106	84	70			220	208	33	32	1848
Warren	785	858	34	32	251	241			294	281	11	8	2201
	8329	8477	850	799	1352	1212	3		2646	2347	228	200	21,022

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF SUSSEX, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Byram	651	624	10	14	83	91	3	5	226	227	8	10	1481
Frankford	861	870	18	13	22	13	3		279	256	6	4	1800
Greene	444	444	3	1	27	19			141	147	1		938
Hardiston	787	755	8	2	50	61		1	279	216	1		1664
Lafayette	433	449	3	1	10	4		1	120	146			901
Montague	572	497	4	4	19	18			179	152	3	1	1114
Newton	1736	1738	30	21	339	227			559	528	6	4	4091
Sandiston	638	601	20	26	9	10			207	191	6	5	1304
Sparta	937	873	15	17	94	75			304	266	5	7	2011
Stillwater	837	798	11	6	21	23			263	208	6	1	1696
Vernon	998	999	7	5	36	39			391	330	2		2084
Walpack	328	315	15	9	5	2			109	107	7	2	674
Wantage	1752	1814	32	32	41	41			549	521	6	7	3712
	10,974	10,777	176	151	756	623	6	7	3606	3295	57	41	23,470

ABSTRACT OF CENSUS RETURNS FOR THE COUNTY OF WARREN, 1855.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in township.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female	
Belvidere	528	561	30	31	41	39			118	141	5	8	1230
Blairstown	707	714	19	21	9	10			232	227	6	8	1480
Franklin	705	755	7	8	13	9			214	231	2	4	1497
Frelinghuysen	648	668	7	4	17	12			195	199	2	2	1356
Greenwich	1213	1129	42	29	83	57			345	336	15	10	2553
Hackettstown	525	522	2	3	41	38			119	126			1131
Hardwick	419	383			9	9			139	115			820
Harmary	645	622	4	5	8	7			189	166	1		1291
Hope	846	844	18	12	5	8			235	241	6	4	1733
Independence	787	768	5	5	29	17			179	207	1	1	1611
Knowlton	758	710		2	173	96			234	207			1739
Mansfield	783	757	19	26	31	16			221	201	8	4	1632
Oxford	958	922	16	27	397	180			281	303	5	7	2500
Pahaquary	250	225	9	1	3	2			84	73	4		490
Phillipsburg	1042	1004	7	4	370	282			340	304			2709
Washington	781	552	7	6	263	111			295	204	3	4	1670
	11,545	11,136	192	184	1492	893			3420	3281	58	52	25,442

RECAPITULATION—ABSTRACT OF CENSUS RETURNS FOR THE STATE OF NEW JERSEY, 1855.

COUNTIES.	NATIVE.				FOREIGN.				White Children between the ages of 5 & 16.		Col'd Children between the ages of 5 & 16.		Total number of inhabitants in county, 1855.	Total number of inhabitants in county, 1850.	Increase.	Decrease.
	White Males	White Females	Colored Males	Col'd Females	White Males	White Females	Colored Males	Col'd Females	Male	Female	Male	Female				
Atlantic	4183	3912	123	132	142	115		1	1378	1336	67	68	8608	8960		352
Bergen	6223	6278	781	739	2042	1701	5	5	2072	1891	212	188	17,774	14,684	3090	
Burlington	19,532	20,305	1087	1197	2190	2127	4		6283	5928	325	289	46,442	43,203	3239	
Camden	11,017	11,718	1070	1207	2050	2059	17	22	3631	3585	298	321	29,160	25,422	3738	
Cape May	3224	3267	136	161	85	62			923	937	46	48	6935	6433	502	
Cumberland	8624	8435	605	587	448	266		1	2545	2448	169	161	18,966	17,189	1777	
Essex	28,797	31,383	1029	1167	15892	16907	17	7	11808	11415	248	240	95,199	73,944	21,255	
Gloucester	7199	6857	342	350	942	570	1		2402	2118	101	97	16,261	14,655	1606	
Hudson	11,659	11,741	291	342	8424	9349	10	7	4849	4890	66	94	41,823	21,819	20,004	
Hunterdon	14,026	14,148	378	389	787	682			3960	3976	79	100	30,410	28,981	1429	
Mercer	12,314	12,731	881	1039	2887	2865	4	1	3924	3705	260	271	32,722	27,986	4736	
Middlesex	12,106	12,805	650	744	3014	3065	9	10	3976	3856	182	155	32,403	28,624	3779	
Monmouth	14,435	14,237	1167	1185	2116	1837	1		4530	4303	330	289	34,978	30,238	4740	
Morris	13,534	13,509	370	379	2452	2249			4395	4222	94	84	32,493	30,139	2354	
Ocean	5056	4987	112	88	166	132			1649	1660	32	23	10,541	10,032	509	
Passaic	7695	8310	328	363	3930	3997		1	3352	3333	83	94	24,624	22,552	2072	
Salem	8621	8277	1072	1071	725	460			2806	2447	274	280	20,226	19,467	759	
Somerset	8329	8477	850	799	1352	1212	3		2646	2347	228	200	21,022	19,661	1361	
Sussex	10,974	10,777	176	151	756	623	6	7	3606	3295	57	41	23,470	22,988	482	
Warren	11,545	11,136	192	184	1492	893			3420	3281	58	52	25,442	22,356	3086	
	219,093	223,290	11,640	12,274	51,892	51,171	77	62	74,155	70,973	3209	3195	569,499	489,333	80,518	352

